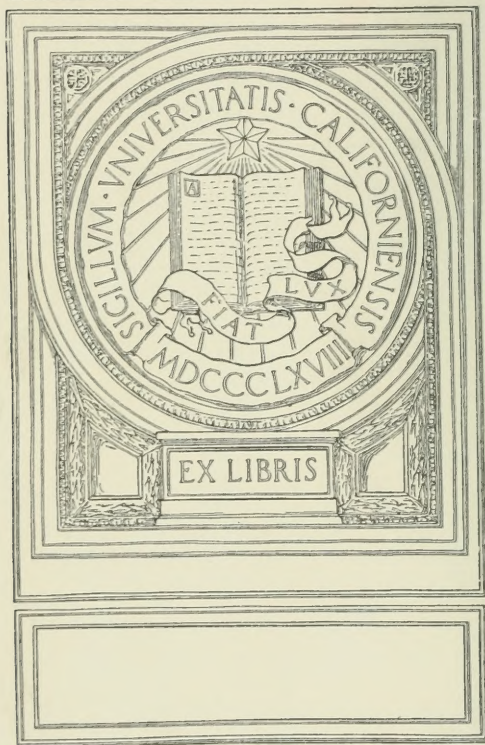
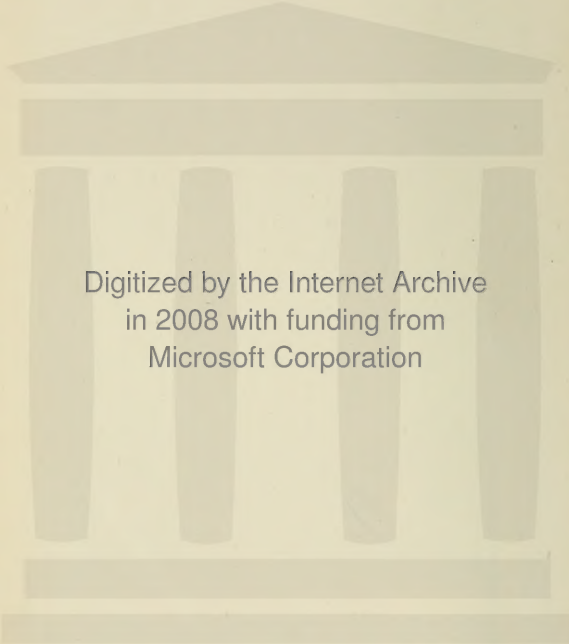


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DEMOSTHENES  
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AND  
AGAINST TIMOCRATES.

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1880

DEMOSTHENES  
AGAINST ANDROTION  
AND  
AGAINST TIMOCRATES

WITH  
INTRODUCTIONS AND ENGLISH NOTES

BY  
WILLIAM WAYTE, M.A.

FORMERLY FELLOW OF KING'S COLLEGE, CAMBRIDGE,  
JOINT EDITOR OF THE "DICTIONARY OF GREEK AND ROMAN ANTIQUITIES."

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*EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.*

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1893

## PREFACE.

OF the two Speeches included in this volume, the shorter, *Against Androtion*, has never yet been separately edited in England. The only separate edition of it appeared just fifty years ago in Germany, that of C. H. Funkhaenel, with Latin notes, Leipzig, 1832. The other and longer speech, *Against Timocrates*, has not been separately edited at all; though its composite character, and the uncertainty how far in its extant form it corresponds with the speech actually delivered, have given it a prominent place in recent critical discussions. A tolerably clear field is thus open, it has been thought, for an edition with an English commentary; and the close connexion of the two speeches both in subject-matter and treatment, extending even to the repetition of whole passages with only slight alterations, has suggested the dual arrangement here adopted.

A further inducement to the selection of these speeches has been the desire to familiarise the English student with their many rich illustrations of the principles and practice of Attic Law. This is a subject to which the Editor has been led to devote special attention in con-

nexion with the new edition, now preparing, of Dr William Smith's *Dictionary of Antiquities*. Had the available English aids to this study been more recent than they are, they could not compete in freshness and interest with the exploration of the original sources in writings which are not only perfect models of Attic style and forensic acumen, but examples, taken from real life, of causes that have actually been fought out in Attic law-courts<sup>1</sup>. The Editor is not without hope that this book may fall into the hands of men who, while they have become trained lawyers, have not lost all their interest in their early studies, especially on kindred subjects. To such men it is possible that some of the analogies (whether by way of comparison or contrast) with English law, here ventured on by one who has only studied that law as a citizen, may appear fanciful or overstrained. From such men he will thankfully accept correction.

At the suggestion of the Syndics of the University Press the same general plan has been adopted, with some modifications, as in the *Select Private Orations* of Messrs Paley and Sandys. This has involved the selection of Dindorf's text in the Teubner series, taken from his third and latest edition (1855). Those teachers who may wish to place the text only in the hands of their class will thus be enabled to do so at a trifling cost<sup>2</sup>. The editions of

<sup>1</sup> 'It is not from mere dictionaries of antiquities, nor from lexicons, however good, that such questions and practices of the Attic law can be fully understood.' Paley and Sandys, Pref. to *Select Private Orations*, pt. I.

<sup>2</sup> The Teubner text of Demosthenes and the other orators may be

which the various readings are given, are (1) the Zurich edition of Baiter and Sauppe, 1850. (2) Bekker's last or stereotype edition, 1854, and (3) that of Benseler, 1861. Within the limits of these texts the true reading, it is believed, will (except in the few corrupt passages where the MSS. fail us) generally be found. Benseler himself gives in his foot-notes a collation of the Zurich text (for which his symbol is BS = Baiter and Sauppe, in this edition Z), Bekker's Berlin edition of 1824 (B), his stereotyped text of 1854 (b), and Dindorf (D). These foot-notes have proved of material aid in the preparation of the list of various readings here given, but have not been implicitly followed: the Zurich text, which also notes its own variations from Bekker's Berlin edition, has been collated independently. It has not been thought necessary to go thirty years further back, and give the readings of either of Bekker's early editions, Oxford, 1822, and Berlin, 1824. As a textual critic, Bekker deserves especially to be judged by his latest and best work. Those who are familiar with his text of Plato, which he never revised, will know how much he left to be done by later editors in the way of selections from his own vast apparatus of various readings, and discriminating deference to the best MSS.: other authors, such as Thucydides and Demosthenes, he went on polishing and improving until he had arrived at his final results, and then stereotyped them. It is not denied that Bekker, in the text as here exhibited, is too often carried away by excessive admiration obtained in parts as well as volumes. The *Androtion* is in Vol. II. pt. I., the *Timocrates* in part II. of the same volume.

tion for the Parisian MS.  $\Sigma$  (or S); several instances are pointed out in the notes; but he is at least more independent than the Zurich editors; and the best corrective of the occasional vagaries of both texts is, in my opinion, the judgment of Dindorf, more robust and self-reliant still<sup>1</sup>. Apart, therefore, from the convenience of the Teubner series for general use, Dindorf's edition, though not, as Messrs Paley and Sandys point out, claiming the authority of a *textus receptus*, is perhaps the nearest approach to it<sup>2</sup>. Benseler's text is a curiosity, but it has nevertheless been thought worth preserving. After the humorous protest of Shilleto's preface to the *de Falsa Legatione*, it might be thought that the Zurich editors could hardly be outdone in devotion to MS.  $\Sigma$ : but Benseler has accomplished this feat. Of his few notes, no small proportion is occupied in finding reasons, more or less ingenious, for following  $\Sigma$  when it leads him like an *ignis fatuus* into a quagmire<sup>3</sup>.

In two passages there has seemed to be sufficient reason for departing from Dindorf's text. One of these is in T. § 59, where Dindorf has omitted the concluding words of the "law" which, like other recent scholars, he brackets

<sup>1</sup> Instances of Dindorf's happy audacity occur T. 31, where he alone retains ἀδείαν τοῦ μή τι παθεῖν in place of the tasteless τοῦ τι παθεῖν: T. 141 πλεῖν: T. 152 ταύτη: T. 156 δὴ for ἄν. In one or two places regard for Attic usage has compelled me to protest against the reading of all four editors: e.g. ἀνέσχεσθε A. 68 for the ἡνέσχεσθε of old edd., including the Oxford Bekker, and all MSS. except  $\Sigma$ .

<sup>2</sup> The new edition by H. Weil unfortunately stops, at present, just short of these speeches: the two volumes published extend as far as Or. xxi.

<sup>3</sup> Examples of this occur A. 70, 78, T. 9, 110.



as an interpolation. The more closely I examine these inserted documents, the less reason I see either to correct their Greek or to bring their statements into harmony with what we learn from other sources. It may be doubted whether some Germans have not gone too far in acknowledging even a partial admixture of genuine material independently of the speech itself. It seems best, therefore, to let the text stand for what it is worth, as it appears in the MSS. and all other editions. The other passage, T. § 195, is one of thirteen in which Dindorf has followed  $\Sigma$ , sometimes with the support of other MSS., in reading *ἀίσχροκερδίαν* for *ἀίσχροκέρδειαν*. It is of course possible that Demosthenes may have used, for reasons known to himself, a form so contrary to analogy, and that  $\Sigma$  may here represent a genuine tradition: but the editors most devoted to  $\Sigma$  have shrunk from this conclusion, and Dindorf again stands alone.

In the Notes my object, like that of my predecessors, has been to afford full help without unduly encouraging "the less industrious sort." With this view some pains have been taken in so arranging the matter that the commentary may be read through and not merely referred to. The intention, at least, has been to give an explanation of every real difficulty, in one way or another but not always in the same way, to those who will be at the trouble of looking for it. The abstracts at the beginning of each paragraph have, as in the *Select Private Orations*, been utilised for this purpose: and a hint thus conveyed has often been substituted for more literal renderings in the notes. There is still, I believe, in some quarters a

prejudice against full explanatory notes, under the idea that the student should be left as much as possible to quarry his own materials. The Germans, who cannot be suspected of wishing to encourage slovenly methods of study, have lately in their school and college editions set us the example of liberal help in the vernacular<sup>1</sup>: while both the English Universities have of late given full sanction to this treatment of ancient authors. The chief and, I hold, amply sufficient reason for thus facilitating the acquirement of scholarship is the immense pressure of modern subjects and consequent limitation of the time which can be devoted to classics. In the days of a narrower curriculum, lads of the right sort might safely be encouraged to bestow long hours on the Latin writings of the great critics, or on notes so framed as merely to excite curiosity without satisfying it. If the amount of quartz to be crushed was large in proportion to the gold to be extracted, the exercise itself was healthy and bracing. Such studies are now unavoidably relegated to the time—if that time ever arrives—when the work of the specialist has succeeded that of general education.

For the same reason, the old prejudice against the use of translations has become considerably modified of late, especially in the case of authors read only by the more advanced students. It has been assumed, therefore, that the excellent translation of the late Charles Rann Kennedy will be in the hands of many, if not most, of the readers of this book: and it has been thought possible occasionally to improve upon his renderings. His version

<sup>1</sup> As e.g. Stein's *Herodotus* and Classen's *Thucydides*.

is indeed nearly perfect of its kind, as Mr Sandys has called it: but it is the work of a most consummate scholar, as well as of a very able lawyer, produced under great pressure of time and consequent liability to oversights<sup>1</sup>. It has been compared throughout with Benseler's translation, to which some of the corrections are due. The German version is naturally the more leisurely performance: it is the work of a man whose whole life was given (as Mr Kennedy's was not) to philological studies. Yet the comparison is not, on the whole, to the disadvantage of our countryman, whose judgment often strikes me as superior to Benseler's in the choice of conflicting interpretations. I can scarcely venture to criticise German style; but apart from its great accuracy Benseler's translation appears to me to be both picturesque and suggestive, and I have sometimes quoted from it.

The Orators have been specially reperused for the purposes of this volume and of kindred studies; and it is hoped that something appreciable in amount has been added to the illustrative quotations which, like the *edicta translationis* of the Roman praetors, have been handed on as common material from one Variorum edition to another. This will be found to be more particularly the case with the *Timocrates*, the industry of Funkhaenel having already done so much for the *Androction*. The aim has been to illustrate Demosthenes as much as possible from himself;

<sup>1</sup> Besides the valuable appendixes to Mr Kennedy's complete translation in five vols., his earlier volume of *Select Speeches* (the five *Guardian Speeches*), 1841, contains an important series of notes on Attic law, not reprinted in the collective edition, and dating from a time when aids to this study were almost non-existent in England.

his self-laudations are checked by the invectives of Aeschines, Deinarchus, and Hypereides; among the other orators Andocides, Lysias, and Isaeus are especially valuable as sources of Attic law; and he sometimes pays Isocrates the compliment of imitating him. The Orators are quoted uniformly from the editions in the Teubner series. To the sections (§§) of this series, which are those of Bekker's Berlin edition, have been added, in the case of Demosthenes, the usually cited pages (Reiske's). In referring to the less voluminous orators, or to the two speeches contained in this book, the pages are omitted<sup>1</sup>. The Dramatists are cited from the fifth edition of Dindorf's *Poetae Scenici*, 1869; Grote's *History* from the eight-volume edition of 1862 (earlier and later are in twelve). Other editions do not require to be specified, or are included in the Select List of Books appended to this Preface.

The grammatical references are mostly to Madvig's *Syntax*, translated by Browne, and to Prof. W. W. Goodwin's *Moods and Tenses*, both works remarkable for their common-sense treatment of syntactical questions<sup>2</sup>; sometimes to the larger materials of Jelf, after Kühner.

<sup>1</sup> The sections of the Berlin edition are now invariably used in foreign books of reference, e.g. Pauly, or Daremberg and Saglio, and latterly in this country as well, e.g. by Paley and Sandys. English scholars of the last generation, such as Thirlwall and Grote in their histories, Shilleto in his *de Falsa Legatione*, followed the more minute subdivisions of the Oxford Bekker: and as Shilleto's book is in the hands of most students of Demosthenes, I have usually given the double reference in quoting from that speech, e.g. F. L. p. 413 § 230=255. In these cases the higher number is Shilleto's (=Oxford), the lower Teubner's (=Berlin).

<sup>2</sup> No one, it is to be hoped, now believes that εἰ σου στερηθῶ Soph.



I am indebted to the kindness of my friend Mr Sandys, Public Orator in the University, for the loan of some valuable tracts on Greek Law and the knowledge of others.

W. W.

6 ONSLOW SQUARE, S.W.

October, 1882.

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In revising the book for a second edition I have made full use of the criticisms of my always friendly reviewers. I would name especially Prof. Mahaffy in the *Academy*, Herr Sörger in the *Philologische Rundschau*, and a notice of Weil's *Deuxième Série*, which includes these two speeches, by Prof. Butcher in the *Classical Review*, I. 218—221. Of M. Weil's own labours it would be difficult to speak too highly. To a minute knowledge of  $\Sigma$  and the other Parisian MSS. he adds a critical faculty of rare delicacy; and his notes are expressed with a clearness and terseness scarcely to be found, in modern languages, outside the French. Suggestions from various correspondents, one or two being anonymous, have been weighed to the best of my judgment. Dr. Sandys' standard edition of Aristotle's *Athenian Constitution*, and the Attic portion of Thunser's *Staatssalterthümer* (vol. I. pt. 2, in the Hermann-Blümmer series), fortunately appeared just in time to be available.

Ord. Col. 1143 occupies a 'category of modality' between *ἐὶ στερεότητι* and *ἐν στερεότητι*: see note on T. § 39.

To print from the Teubner text while occasionally expressing a preference for another reading, as was done in the former edition, seems no longer expedient. Now that the comparatively conservative text of Dindorf has been succeeded, in the Teubner classics, by the sweeping changes of Blass, it is no disparagement to the latter distinguished scholar to say that his revision cannot be unreservedly placed in the hands of students. An editor must therefore use his own judgment in framing his text. In Demosthenic rhythm, the rules may be regarded as established that (1) hiatus is avoided except after a pause in the sense, and (2) three short syllables seldom occur together. This, however, does not account for such changes as οὐκ ἔστ' οὐδὲ μία for οὐκ ἔστιν οὐδὲ μία, ἔδοξ' εἶναι for ἔδοξεν εἶναι, and the like. There is now a general agreement in favour of the spellings *τεῖσαι* and compounds, *δωρεά, εἵνεκα*, for *τῖσαι δωρεὰ ἔνεκα* (to mention only words found in these speeches), on the evidence of contemporary inscriptions as against the MSS. But to write *ἔκτεισις* for *ἐκτῖσις*, or *τέθηκα* for *τέθεικα*, is to take a long step beyond this; and where the grammar of inscriptions is still in an experimental stage, some caution may be thought justifiable. As it is, Blass's text has been taken as the basis, and has only been departed from where it seemed capricious or arbitrary.

Some afterthoughts which, when the first edition was printed, unavoidably found their way into the introductions, have now been transferred to their rightful places in the commentary; but in other respects these introductions are little altered. While pains have been taken to

render the notes more accurate, and illustrations from inscriptions and archaeological discoveries more freely introduced, some compression has been found practicable, especially as to matters included in the *Dictionary of Antiquities*. A mere reference to the new edition sometimes takes the place of a long note which had been required for the correction of the unrevised *Dictionary*.

W. W.

6 ONSLOW SQUARE, S.W.

*February, 1893.*





# SELECT LIST OF EDITIONS, DISSERTATIONS AND BOOKS OF REFERENCE

## ON THE TWO SPEECHES INCLUDED IN THIS VOLUME.

### TEXTS.

(1) *J. G. BAITER and H. SAUPPE. Oratores Attici*: in one volume 4to, Zurich, 1850. (2) *IMM. BEKKER. Demosthenis Orationes*: stereotyped edition, 8vo. Leipzig, 1854. [Earlier editions, not here referred to, Oxford, 1822, and Berlin, 1824]. (3) *W. DINDORF. Demosthenis Orationes, editio tertia correctior*: (Teubner) Leipzig, 1855 [Ed. quarta, revised by Blass, Teubner, 1890. Earlier editions, not here referred to, Leipzig, 1825, Oxford, 1846]. (4) *G. E. BENSELER. Demosthenes' Werke. Griechisch und Deutsch, mit kritischen und erklärenden Anmerkungen, 10ter Theil, Reden gegen Androtion und Timokrates*, Leipzig, 1861. [His acknowledged work, though without his name in the title-page.] (5) *H. WEIL. Les Plaidoyers Politiques de Démosthène, 2me Série*, Paris, Hachette, 1886.

### COMMENTARIES.

#### I. GENERAL.

(1) *G. H. SCHLAEFER. Apparatus criticus ad Demosthenem*: London, 1824-7. [After Reiske. This is the "variorum" edition usually to be met with in this country. There is another by G. S. Dobson, London, 1828, xvi. vols.] (2) *W. DINDORF. Demosthenes ex recensione Gulielmi Dindorfi*: Oxford (1849), Vol. vi. *Annotationes interpretum ad Or. 20 - 26.* (3) *WHISTON, R. Demosthenes, with an English Commentary* [in Long and Maclean's *Bibliotheca Classica*. Unfinished; vol. II. (1868) contains Or. XIX - XXVI.]. (4) *H. WEIL*, commentary, as above.

#### II. SPECIAL.

*C. H. FUNKHAENEL, Demosthenis Oratio in Androtionem*: Leipzig, 1832.

### LEXICOGRAPHY AND TEXTUAL CRITICISM.

(1) *HARPOCRATION. Νέξεις τῶν δέκα ῥητόρων*, ed. W. Dindorf: Oxford, 1853. (2) *T. MITCHELL (after Reiske). Indices Græcitate in Oratores Atticos*: 2 vols. Oxford, 1828. [Uniform with the Oxford edition of Bekker's *Oratores Attici*]. *Index Græcitate Isocraticæ*: Oxford, 1828. [Uniform with the above]. (3) *P. P. DOBREE. Adversaria: cura Scholæfeld*: Cambridge, 1833 (ed. Wagner, Leipzig, 1875). (4) *C. G. COBET. (a) Variæ Lectiones. Editio secunda auctior*, Leyden, 1873. *(b) Novæ Lectiones*: Leyden, 1858. *(c) Miscellanea Critica*: Leyden, 1876. (5) *J. N. MADVIG. Adversaria Critica*: vol. I. *In Scriptores Græcos*: Copenhagen, 1871.

## DEMOSTHENIC LITERATURE.

## I. GENERAL.

(1) *ARNOLD SCHAEFER*. *Demosthenes und seine Zeit*. 3 vols., esp. vol. i. ch. 3, pp. 308—353 and vol. iii. part 2, Beilagen, pp. 63—65, Leipzig, 1856—58. (2) *F. BLASS*. *Die Attische Beredsamkeit*, 3te Abtheilung, 1ter Abschnitt. Demosthenes, esp. pp. 226—231, 244—251, Leipzig, 1877. (3) *R. C. JEBB*. *The Attic Orators from Antiphon to Isaeus*. 2 vols., London, 1876. [Demosthenes only incidentally]. (4) *S. H. BUTCHER*. *Demosthenes* [in *Classical Writers*, ed. by J. R. Green], London, 1881. (5) *J. P. MAHAFFY*. (a) *History of Classical Greek Literature*, London, 1880. Vol. ii. (Prose Authors), esp. ch. 11 (Demosthenes) and 12 (Contemporary Orators). (b) *Social Life in Greece*, ed. 3, London, 1877. [Drawn largely from the Private Orations].

## II. SPECIAL.

(1) *C. L. BLUME*. *Prolegom. ad Dem. orationem Timocrateam tria capita priora*, Berlin, 1823, pp. 48. [An inaugural dissertation on the Panathenaea of § 26; now out of print. Some others of the following tracts I have been unable to get a sight of, but think it best to make the list as complete as possible. All the periodicals here mentioned have been consulted]. (2) *C. H. FUNKHAENEL*. *Symbolae criticae in Demosthen.* iv. in Orat. c. Timocratem. In *Zeitschrift für die Alterthumsw.* 1842, pp. 311—316. [Superseded by later editions]. (3) *T. H. DYER*. *On a passage in Dem.'s Oration against Timocrates*. In *Classical Museum*, ii. 119—121, London, 1845. [Proposes a transposition of § 5, placing it before §§ 3 and 4. But this will not remove the difficulties of the first 16 §§: see Introd.] (4) *A. WESTERMANN*. (a) *Untersuchungen über die in die Attische Redner eingelegten Urkunden*, pp. 136, Leipzig, 1850. (b) *Commentatio de iurisiurandi iudicium Atheniensium formula quae exstat in Demosthenis oratione in Timocratem*. Pars i. pp. 20, ii. pp. 16, iii. pp. 14, Leipzig, 1858—9. [Three Academical Programmes. Westermann's criticism led the way to the total rejection of the authenticity of the "inserted documents"]. (5) *F. K. HERTLEIN*. *Coniecturen zu Griech. Prosaikern*. Wertheim, 1862. [Programme of a Lyceum. Among the passages are Androt. § 37 and Timocr. § 16]. (6) *RUD. DAHMS*. (a) *Studia Demosthenica* (zur Rede gegen Timokrates), pp. 40, Berlin, 1866. [Programme]. (b) *Emendationes Demosthenicae*. In the *Jahrbücher für classische Philologie*, vol. 93, pp. 674—8, Leipzig (Teubner), 1866. [The following are the conjectures best worth notice: Androt. § 33, ταῦτά δίκαια (for ταῦτα), Timocr. § 206 πάντες οἱ ἄν που (for ὅταν που). The last is a decided improvement]. (7) *J. B. TÉLFY*. *Das προσκατάβλημα* (Timocr. §§ 96—98). In *Philologus* 1860, vol. xvi. pp. 365—368. [An improbable suggestion that προσκατάβλημα was an extra percentage paid by the farmers of the revenue]. (8) *H. FROBERGER*. *Annotationes ad oratores Atticos*. In *Philologus* 1870, vol. 29, pp. 633—5. [Wishes to read οὐκ ἀποκρύψομαι T. § 200, retaining ἀποτρέψομαι in §§ 1, 104].

## GREEK LAW.

(1) J. B. TĒLFY. *Corpus Iuris Attici*. Pesth, 1868. (2) G. F. SCHOEMANN. *De Comitibus Atheniensium*. Halle. 1819. (*On the Assemblies of the Athenians*, transl. by F. A. P., Cambridge, 1838.) [Quoted by the pages of the original, which are also marked in the English edition]. (b) *Griechische Alterthümer*, 3rd ed. Berlin, 1871. Vol. I. (the State) transl. by E. G. Hardy and J. S. Mann, London, 1880. Vol. II. was announced, but has not appeared. (c) MEIER and SCHOEMANN. *Der Attische Process*. Halle, 1824. [The new edition by J. H. Lipsius, Berlin, 1883—7, is now referred to]. (3) A. BOECKH. *Die Staatshaushaltung der Athener*, 3rd ed., by Fränkel, 1886, 2 vols.: cited as *Sthh.*<sup>3</sup> (*Public Economy of Athens*: translated from the 1st German ed. by Sir George Cornewall Lewis, 2nd ed., London, 1842.) (4) K. F. HERMANN. *Griechische Staatsalterthümer*. 6th ed. vol. I. pt. 2, by V. Thumser, Freiburg im Breisgau, 1890—92. (5) C. R. KENNEDY. (a) *Notes* (pp. 124—283) to *Transl. of Select Speeches*, London, 1841. [A scarce and valuable book; the notes are not reprinted in the collective edition]. (b) *The Orations of Dem.* translated with notes and dissertations. 5 vols. London, 1880. (6) V. CUCHEVAL. *Étude sur les Tribunaux Athéniens et les Plaidoyers Civils de Démosthène*, par Victor Cucheval, Professeur au Lycée Bonaparte. Paris (Durand), 1863. (7) G. PERROT. *Essai sur le Droit Public d'Athènes*. Ouvrage couronné par l'Académie Française. Paris (Thorin), 1869.

Also articles in the following Dictionaries of Antiquities:

(8) AUG. PAULY. *Real-Encyclopädie der classischen Alterthumswissenschaft*. 6 vols. in 8 parts, Stuttgart, 1837—56. [A new edition on an enlarged scale of vol. I. A—B, Stuttgart, 1864. Greek Law mostly by Ant. Westermann].

(9) W. SMITH. *Dictionary of Gr. and Rom. Antiq.*, 3rd ed. London, 1891. Joint Editor, W. Wayte. [Greek Law mostly by H. Hager and W. Wayte].

(10) DAREMBERG and SAGLIO. *Dictionnaire des Antiquités Grecques et Romaines*, parts 1—17, A—FAN, Paris (Hachette), 1873—92. [Greek Law by E. Caillemet].

## MSS. OF DEMOSTHENES CONTAINING OR. XXII. AND OR. XXIV.

Σ (or S) in the Paris Library (No. 2934), on parchment, *forma maxima*; century X. "Primae quidem classis unus superest Parisinus S." Dindorf. Praef. ed. Oxon. p. vi. By far the best, and now recognised as the proper basis of the text; for limitations to this doctrine, see the Preface.

F. *Marcianus* 416, in the Library of St Mark at Venice, on parchment, *forma maxima*; century XI. The best ms. of the second group or family (Dindorf, *ubi supra*) but closely followed by B.

Υ (or Y) MS., Par. 2935: on parchment, *forma maxima*.

Ω (or O). In the Jesuits' Library at Antwerp (No. 43), on paper, *forma maxima*. The nearest approach to Σ, according to Bekker.

k. MS. Par. 2998: on cotton paper (bombycinus), *forma quadrata*; century XIV. Closely approaches A<sup>1</sup>.

r. MS. Par. 2936: on parchment, *forma maxima*; century XIII.

s. MS. Par. 2940: on cotton paper (bombycinus), *forma quadrata*. Agrees generally with A<sup>1</sup> and k.

t. MS. Par. 2294: on parchment.

v. In the Paris Library (MS. Coislin. 339), on parchment.

β<sup>m</sup>. [*i.e.* the second of eight mss. named after Morel, the Paris printer of the 16th century, and collated by Lambinus]. MS. Par. 2993.

ε<sup>m</sup>. [fifth in the Morel series]. MS. Par. 3000.

A<sup>1</sup>. *Augustanus primus*, formerly at Augsburg (*Augusta Vindelicorum*), now in the Royal Library at Munich (No. 485), on thick parchment, *paene quadratus*. Reiske made it the basis of his edition, and assigned it to century X. or XI.: Dindorf says XI., the Zurich editors XII. The principal ms. of the third or most widely-diffused group: see k and s.

B. *Bavaricus*, at Munich (No. 85), on cotton paper (bombycinus), *forma maxima*; century XIII. Shares with F the primacy of the second class.

γρ. A contraction for γράφεται, the note of various readings.

Of the above mss., t, β<sup>m</sup> and ε<sup>m</sup> contain the Androton but not the Timocrates.

As a general rule, only those various readings are noticed which have found favour with one of the four editors whose texts are collated. But in one or two instances attention has been called to neglected readings: and the mistakes and eccentricities of Σ have been freely exposed as a warning against excessive deference to its authority.

# INTRODUCTION

TO

## OR. XXII.

### ΚΑΤΑ ΑΝΔΡΟΤΙΩΝΟΣ.

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THE speech against Androtion, B.C. 355, marks a distinct stage both in the outward career and the intellectual growth of the orator, as his earliest forensic speech<sup>1</sup> in a public cause<sup>2</sup>, and the first in which he shows the full maturity of his powers. It precedes by a year his first recorded appearance as an adviser of the people in a strictly political harangue<sup>3</sup>, the speech *περὶ τῶν συμμοριῶν* (B.C. 354). But we see already the transition from the private practice of the *λογογράφος* to the public status of the *ρήτωρ* or politician. The *γραφὴ παρανόμων* or indictment for an unconstitutional proposal formed a meeting-point between law and politics; the elastic state of the law favoured the decision of legal questions on party grounds; and, as at various periods of English history, political differences found their natural arena in the law-courts.

Into this arena Demosthenes now descended as a trained combatant. According to the most probable date of his birth

<sup>1</sup> λόγος δίκανικός.

<sup>2</sup> δημόσιος.

<sup>3</sup> συμβουλευτικός.



he would now be just twenty-nine years of age<sup>1</sup>. His entrance into public life (marked by A. Schaefer and Blass as the second period of his career) coincides with the disastrous close of the Social War. The revived naval supremacy had been again lost; the orators of the peace party were discredited; and Demosthenes came forward as the advocate of an imperial policy. His position was already apart from that of all the rest<sup>2</sup>. Eubulus the leading orator of this party, and Phocion who lent it respectability<sup>3</sup>, had their opponents among the other orators: and Demosthenes was ready to avail himself of help from any quarter against the predominant majority. But his quarrel was with the entire system, not merely with individual politicians; all were alike responsible for the abuses of the Theoric fund<sup>4</sup>, for the fatal stimulus given to the pleasure-loving, home-keeping instincts of the Athenian people, and to their dislike of personal service; all alike, in his view, fattened on the public plunder<sup>5</sup>. Demosthenes had to educate, not his party, but his countrymen. Hence his repeated allusions to the glories of the past; to the days when "the public service was the only holiday" to the Athenians whose degenerate descendants would now neither fight themselves nor pay others

<sup>1</sup> His birth is fixed with tolerable certainty at B.C. 384, *i.e.* either in the last months of Ol. 98, 4, the archonship of Dexitheus, or the first of Ol. 99, 1, the archonship of Diotrephes. The Androtionea belongs to the early part of Ol. 106, 2, the archonship of Callistratus (not the orator, see § 66 n.), *i.e.* July or August 355. Androtion's motion to crown the senate was at the close of the old year, the trial at the beginning of the new. It is important to remember that the Athenian year began at the first new moon after the summer solstice, or, speaking roughly, about July.

<sup>2</sup> § 37 n.

<sup>3</sup> Grote, ch. 87, viii. 32.

<sup>4</sup> Timocr. § 134.

<sup>5</sup> Androt. §§ 65—68.

<sup>6</sup> Thucyd. i. 70, § 9, μήτε ἑορτὴν ἄλλο τι ἡγεῖσθαι ἢ τὸ τὰ δέοντα πράξαι.

to fight for them<sup>1</sup>. He does not, like many opposition speakers, confine himself to negative criticism. In this speech, and in others of the same group "against bad legislation," the Leptines, the Timocrates, he is the exponent of a formed policy. "Even when he is writing for others, himself remaining behind the scenes, the voice is still that of Demosthenes. His strong personality, his sincerity of conviction, breaks through dramatic disguises<sup>2</sup>."

Androtion, the defendant on this occasion, had been a prominent politician for thirty years<sup>3</sup>. That he must have been advanced in life is clear not merely from this circumstance, but from what we are told of his associates Glauketes and Melanopus<sup>4</sup> and of his father Andron. The latter is certainly to be identified with the Andron, son of Androtion, who is named among the σοφοὶ assembled in the house of Callias, Plat. Protag. 315 c (comp. Gorg. 487 b), and who must have been already a grown man at the breaking-out of the Peloponnesian war<sup>5</sup>. The political example set by Andron to his son was not edifying. Having himself taken part in the government of the Four Hundred, B.C. 411, he came forward as the accuser of Antiphon and Archeptolemus, who were made scapegoats for the rest, and actually moved the decree by which they were executed as traitors<sup>6</sup>. According to Demosthenes, he was imprisoned for debts to the State and passed *πολλὰς πεντετηρίδας* in prison<sup>7</sup>; he broke his prison, not returning when let out on parole for a festival<sup>8</sup>; and,

<sup>1</sup> §§ 12—16, 76—78.

<sup>2</sup> Prof. Butcher, p. 31.

<sup>3</sup> § 66.

<sup>4</sup> T. § 125 ff.

<sup>5</sup> "The Protagoras points to the 87th Olympiad, B.C. 432—429:" Prof. Brandis, quoted in my note on Protag. 327 b.

<sup>6</sup> Vit. x. Orat. p. 833 E. Harpocrat. s. v. Ἀνδρων.

<sup>7</sup> T. § 125, where see note on the qualification with which this statement must be accepted.

<sup>8</sup> A. §§ 56, 68.

having failed to discharge his obligations at his death, left an inheritance of Atimia to his son, from which Androtion had never purged himself<sup>1</sup>. But this charge, as well as another presently to be noticed, is supported by no evidence: it is even ridiculous to see Demosthenes attempting to throw the burden of proof upon the defendant<sup>2</sup>.

Androtion had been trained in the school of Isocrates, and became an accomplished public speaker<sup>3</sup>. Demosthenes himself, though he adopts a sneering tone, is a witness to his oratorical ability<sup>4</sup>. He took an active part in matters of finance, and acquired the confidence of the people, though in his case the arts of the demagogue appear to have been combined with no small amount of the personal insolence of a born oligarch. In the bad times of the Social War he brought forward a scheme of his own for replenishing the exhausted treasury<sup>5</sup>: he induced the people to appoint an extraordinary commission of ten members, none of them regular officers of the revenue, to collect all outstanding arrears of the property-taxes (*εἰσφοραὶ*) voted since the archonship of Nausinicus (B.C. 378-7)<sup>6</sup>. He put himself at the head of this commission, Timocrates being his most active subordinate: and the proceedings of this pair of worthies furnish several lively passages common to the two speeches<sup>7</sup>. Their extraordinary powers lasted for a year; the services of other authorities were placed

<sup>1</sup> A. §§ 33, 34.

<sup>2</sup> § 34.

<sup>3</sup> Suidas s. v.: 'Ανδροτίων "Ανδρωνος 'Αθηναῖος, ῥήτωρ καὶ δημαγωγός, μαθητὴς 'Ισοκράτους: a scholium on § 4 of the speech *ἔστι γὰρ οὗτος τῶν 'Ισοκράτους μαθητῶν ἐπίσημος*: Zosimus in his life of Isocrates, p. 257 ed. Westerm.: and several passages of the rhetorician Hermogenes, all quoted by A. Schaefer i. 316 n. and Westermann ap. Pauly.

<sup>4</sup> A. § 4, *ἔστι γὰρ, ὧς ἄνδρες 'Αθηναῖοι, τεχνίτης τοῦ λέγειν, καὶ πάντα τὸν βίον ἐσχόλακεν ἐν τούτῳ*, compared with T. § 158.

<sup>5</sup> διὰ τὸν καιρὸν ὃς ἦν τότε, § 49 n.

<sup>6</sup> A. Schaefer i. 317 makes them the arrears of Nausinicus' year only: the reasons for preferring Grote's view are given in the note on § 44.

<sup>7</sup> A. §§ 47 ff. T. §§ 160 ff.

at their disposal, so that the Eleven imprisoned at their bidding, the Apodectae exacted payment, and the public slaves kept the accounts<sup>1</sup>. Of fourteen talents of property-tax in arrear, seven were recovered (A. § 44), or only five according to the later version (T. § 162); and this at the cost of an enormous amount of friction and unpopularity<sup>2</sup>. Androtion, however, retained his influence with the people, tolerant as usual of irregularities and even of oppression when the interests of an empty exchequer were at stake; and not long afterwards, being probably *ταμίας τῆς θεοῦ* or one of the treasurers of the Acropolis and all its contents, he procured a decree which gave him extraordinary powers for dealing with the sacred treasures. The *στέφανοι*, golden crowns presented to Athens by grateful allies, and now hanging in the Acropolis, were then thrown into the melting-pot, on the plea that they were "coming to pieces"; and recast as *φιάλαι* or paterae: the whole operation was left in Androtion's hands, without check or audit of accounts<sup>3</sup>. We next find Androtion as a *βουλευτής* or member of the Senate of Five Hundred; and it was in this capacity that he proposed the complimentary vote to the Senate which gave rise to the present prosecution.

At the close of the Athenian year it was usual for the people to vote an honorary crown to the outgoing senators as an acknowledgement that they had discharged the duties of their office honourably and efficiently<sup>4</sup>. The "crown" must have been of altogether insignificant value, apart from the fact that there were 500 claimants: but, like a modern "vote of thanks," it was taken as a matter of course, and the omission of it would be a marked slight. This year, however,

<sup>1</sup> *τοὺς δαμασκῶν παρίναι προσέγγραφεν*, A. § 70, which explains *τοὺς ὑπηρέτας*, T. § 162.

<sup>2</sup> A. §§ 59—64.

<sup>3</sup> *τὰ φύλλα ἀπορρεῖν*, § 69 and note.

<sup>4</sup> *αὐτὸς ῥήτωρ χρυσοχόος ταμίας ἀντιγραφεὺς γέγονεν*, A. § 70 and n.

<sup>5</sup> *καλῶς βουλευέσθαι*, § 12.

Ol. 106, 1, B.C. 356-5, the senate was accused of having neglected an important duty. It was required every year to build a certain number of new triremes<sup>1</sup>; and if it failed to do so it was forbidden by a special law to ask for the customary annual compliment. The proper number had not been built this year: and the excuse alleged was, that the treasurer of ship-builders (ὁ ταμίης τῶν τριηροποιῶν) had run away with two and a half talents of the public money<sup>2</sup>. This, it was argued, was a misfortune<sup>3</sup> for which it would be cruel to put a stigma upon 500 honest citizens. Androtion accordingly moved a decree in their favour, awarding them a crown as usual and saying nothing of the unbuilt triremes. The motion was carried in spite of the opposition of Meidias and others<sup>4</sup>; and Androtion was then indicted for an illegal proposal (παρὰ νόμων) by Euctemon and Diodorus, two men who had private injuries to revenge. Euctemon, apparently the older of the two, had spoken first: and Demosthenes wrote the present speech for Diodorus, who "followed on the same side." The "counts of the indictment," as they would now be called, were four in number: (1) that the requisite number of ships had not been built: (2) that Androtion's proposal was not approved beforehand by the senate<sup>5</sup>: (3) that he had led an

<sup>1</sup> Twenty according to Diod. xi. 43; Benseler, *Einl.* p. 9.

<sup>2</sup> On the question of the senate's responsibility for this officer, see § 17 n. It is usually assumed that no ships at all had been built: but the sum named (about £600) is clearly only a fraction of what the Athenians must have been spending upon their navy during a time of war, and quite inadequate to provide even the rough hulls of 20 triremes. If the number fell short by five or six or even less, it is quite in keeping with the tone of the prosecution, which throughout insists on the strict letter of the law, to argue that the law had not been complied with, and suppress all details. The words of § 8 μὴ ποιησαμένη τῇ βουλῇ τὰς τριήρεις (cf. §§ 10, 17), may easily bear that meaning, the article expressing the full, well-known, or legal number, like αἱ ἀπαγωγαί, T. § 113 n.

<sup>3</sup> ἀτύχημα, § 17.

<sup>4</sup> § 10.

<sup>5</sup> By a προβούλευμα.



infamous life, which subjected him to the penalty of Atimia or disfranchisement: (4) that he was again disqualified, as having neglected to pay the debt due from his father to the State at his decease. No evidence is brought forward on either of the latter charges; both were probably unfounded; and Androtion might well complain that such points were raised against him indirectly, instead of being made the subject of regular indictments. Demosthenes' attempt to meet this answer beforehand is, like some of his arguments in the *Timocratea*, absurdly sophistical<sup>1</sup>; and may have contributed to the adverse verdict.

The form of the speech is determined by its character as a *δευτερολογία*, or subsidiary to the main accusation. There is no complete statement of the case for the prosecution: that has been already made by Euctemon, and "the second speaker assumes the right to a freer handling." Without any regular proem Diodorus begins with an explanation of his motive in coming forward as a prosecutor: he has as great or even greater personal wrongs to avenge than Euctemon (§§ 1—3)<sup>2</sup>. All that is known of Androtion should prepare the jury for a quibbling and sophistical defence (§ 4). The speaker then goes on to anticipate the arguments which the defendant will probably have recourse to. He will maintain, it is alleged, that in this instance the *Probouleuma* was not required either (1) by law, because the case is exceptional, or (2) by precedent, because the preliminary vote has not been enforced in practice. To this it is replied, that (1) there are no exceptions to the legal rule, and (2) that it is time that bad precedents should give way to the letter of the law (§§ 5—7). There can be no doubt that the practice had been as Androtion alleged: and there is great disingenuousness in the way in which the con-

<sup>1</sup> On (3) §§ 28, 29: on (4) § 34.

<sup>2</sup> This is in order to anticipate a charge of *συνεοφάρτα*: see § 3, note on ἀμύνεσθαι.

trary is suggested<sup>1</sup>. A third excuse will be, that the senate did not ask for their reward, but the people decreed it to them unasked. In answer to this it is urged that putting the question to the vote by the Proedri and Epistates, i.e. by men who were necessarily members of the senate, was in itself an act of asking; and further, that the unofficial members had gone about canvassing for votes and complaining of the hardship of depriving them of the usual compliment (§§ 8—11). He next insists on the paramount importance of naval supremacy to Athens, as a reason why the senate should be held to the letter of its duties in the matter of the triremes (§§ 12—16). If it is alleged that the frauds of the treasurer could not fairly be visited upon the senate, the answer is, that the public interest requires that no excuses, good or bad, be admitted<sup>2</sup>: and further, that in this case the senate really was responsible for the acts of its own subordinate (§§ 17—20).

Next follows the question as to the defendant's immoral life. He may urge in reply that the question ought to have been raised directly by way of impeachment, with the usual securities against malicious prosecution, and not by innuendo as a mere collateral issue. The rejoinder to this is, as has already been noticed, one of the weak points of the speech (§§ 21—24). In other matters the Athenian law allows the prosecution a wide choice as to modes of procedure. *It is for the accused to prove his innocence*, not to dictate the particular remedy to be set in motion against him (§§ 25—29). The ground of the law of Hetaireisis is next explained: men of infamous life cannot be well affected to democracy, and must attempt either to corrupt or to deceive the people (§§ 30—32). With regard to the other disqualification of Atimia

<sup>1</sup> ἐγὼ δ' οἶμαι μὲν οὐχὶ λέγειν αὐτὸν ἀλήθειαν (l. ἀληθῆ), μᾶλλον δὲ οἶδα σαφῶς, § 6.

<sup>2</sup> We are reminded of Wellington's saying, that "those who are good at excuses are seldom good for anything else."

inherited from his father, *the burden of proof rests with Androtion, that his father did not die in debt to the state* (§§ 33, 34). The feelings of the senators ought to count for nothing when the public interest is concerned. They have themselves to thank for it, if by abdicating their own functions and submitting to be ruled by professional speakers they have incurred a formal censure: in fact so splendid an opportunity of getting rid of "the orators" ought not to be missed, and is alone enough to justify a conviction (§§ 35—39).

The speaker now passes from what Androtion may be expected to say to what others may urge on his behalf. That he will be defended by men who are either members of the censured body or responsible for the loss by embezzlement is a matter of course: but neither they nor the "respectable" Archias are disinterested on this occasion (§§ 38—41). By a somewhat abrupt transition, he then returns once more to a last argument of Androtion's: that, by undertaking to collect the arrears, he had voluntarily incurred unpopularity for the good of the public (§§ 42—46). The first part of the speech, mainly occupied, as we have seen, with conjectures as to the probable line of the defence, here comes to an end.

The orator now announces his intention of passing in review the whole of Androtion's political career, and begins with a vigorous invective against his conduct in the much vaunted collection of the arrears of property-tax<sup>1</sup>. The point is first argued with reference to the case of Euctemon (§§ 47—50), then more generally; and Androtion's conduct is compared to that of the Thirty (§§ 51—55). Instances of his outrageous behaviour are quoted (§§ 56—58); the amount of offence given is contrasted with the paltriness of the results, and shown, by

<sup>1</sup> ἐπιεικής, § 40 n.

<sup>2</sup> ὅτι ὁ ἀρχαῖος φωνεῖ, τὸν τῶν χρημάτων ἀσπράξιν, § 47. This second part of the speech is repeated almost exactly in the *Timocritica*, §§ 160—186, and its presence there forms one of the critical difficulties of that speech: see the next Introduction.

the example of Satyrus, not to be inseparable from the discharge of these unpopular duties (§§ 59—64). So far from being a patriot and reformer, he has been, during his thirty years of public life, identified with the existing system and all its abuses (§§ 65—68). The concluding paragraph (§§ 69—78) deals with an exploit of Androtion's which he claimed as one of his services to the state, his melting down of the votive golden crowns and recasting them as paterae or bowls; this is shown up in its true colours as an act of gross fraud, from the want of proper supervision in carrying it out, and of extreme bad taste, since the treasures were nothing in themselves, everything in the associations connected with them. This last thought leads up to a short peroration of singular beauty and force, in which it is urged that Athens has always preferred glory to gold, though Androtion is ignorant of the fact; and that the handling of sacred things by a man who has led such a life as his is in itself an outrage against the traditions of old Athenian piety (§§ 76—78).

The Androtionea in a moderate compass affords a good specimen of the varied excellences of the orator; and it is further interesting as the earliest work of his maturity. It exhibits in large measure the "rhetoric fused with logic in the white heat of passion" to which later critics gave the name of *δευότης*, and which they regarded as characteristic of Demosthenes beyond all other speakers. It has likewise a full share of his faults, which are those of Greek oratory in general, unfairness in argument and virulence in abuse. In scurrility, indeed, this speech and the Timocratea are left far behind by the two great speeches against Aeschines. Demosthenes did not, unfortunately, acquire self-respect on this point, or what would now be called the feelings of a gentleman, as he grew older; though his later speeches seem to show a growth in that intellectual self-respect which restrains a man from uttering the most transparent nonsense for an immediate object<sup>1</sup>.

<sup>1</sup> See note pp. 155-6, and T. § 85 n., § 88 n.

The least attractive feature in the present speech is the perpetual straining of unfair points against the accused. Androtion was no doubt a corrupt and greedy politician, and his acquittal may have proved nothing more than that his influence with the people was undiminished, that the clique of professional orators<sup>1</sup> stood by one of their own order, and that the friends of the outgoing senators mustered strong upon the jury. But, more probably, he was acquitted on the merits of his case. The principal charge, that relating to the ships, was, as has been shown, most likely exaggerated; the senate's previous consent to a vote of compliment to itself was a mere matter of form, and in practice had almost certainly been omitted; while the two charges, one of them of a peculiarly odious nature, on which it was sought to prove Androtion disqualified from speaking in public, would have been relevant only if backed up by legal decisions. In these last, and in the equally irrelevant abuse which forms the staple of the speech from § 47 onward, we may well believe that the orator overshot his mark.

It would, however, be a great mistake to see in Demosthenes only the hired speech-writer, the unsuccessful abettor of Diodorus' schemes of private vengeance, the unscrupulous verdict-getter "abusing the other side" in the consciousness of a bad case. The politician is here inseparable from the advocate; and politics have not yet ceased to be a war in which almost everything is accounted fair that promises to damage the enemy. A strongly intrenched system of abuses has to be assailed; threatened interests are banded together for mutual support. Demosthenes is already a reformer aiming at definite objects, with a definite ideal before him of what Athens ought to be. In striking at Androtion he is striking at "the system;" and he does not scruple to use for his purposes the aid of objectionable people who happened for the moment to share

<sup>1</sup> οἱ συνεστηκότες ῥήτορες, A. § 37.



his likes and dislikes; to screen himself behind vindictive prosecutors like Diodorus and (as it would seem on at least one occasion) Apollodorus the son of Pasion<sup>1</sup>; and to play on the weaknesses of Athenian juries.

This commingling of legal and political issues was greatly assisted by the fact that, while every full Athenian citizen was a legislator, an immense proportion of the whole number were also Dicasts, *i.e.* jurymen and something more, determining questions of law as well as of fact<sup>2</sup>. It was, therefore, an everyday occurrence for an Athenian to combine in his own person the functions of a member of Parliament, a judge and a juror. The extreme elasticity (already hinted at) of the *γραφὴ παρανόμων* was the expression of this fact. Whatever displeased him, a component unit in the Sovereign Demos, in any of his three capacities, might be brought under the provisions of this law. As a legislator he expected to be relieved from the consequences of his own hasty acts: if on reflection he discovered that he had been led astray, the proposer of the law must be punished, Demos himself was irresponsible. As an interpreter of the law, he required it to be intelligible to plain men; to be without ambiguities or contradictions. To guard against repugnant laws, it was not enough to repeal the old law by an enacting clause inserted in the new: the ground must first be cleared by the total repeal of the former, a pro-

<sup>1</sup> The evidence for the genuineness of the First Speech against Stephanus is too strong to be resisted: and by far the most probable explanation of Demosthenes' conduct in turning against Phormio, a client whom he had formerly defended, and exposing himself to the taunt of Aeschines (*de F. L.* § 165) is that which ascribes it to a strong political motive (Blass, p. 32, who is followed by Sandys, *Intro. to Select Private Orations*, pt. ii. p. xlv, and by Mahaffy, *Gr. Lit.* II. 337).

<sup>2</sup> It is not certain whether any system of rotation was combined with the *κλήρος* or lot, so as to make every citizen a dicast in his turn: if it were so, the turn would come about once in three years, allowing for the many public officers who were ineligible, and for other causes of exclusion. On the number of Athenian citizens, see A. § 35 n.

ceeding which no doubt made it easier for legislators, acting without the guidance of trained lawyers, to judge of proposed amendments in the law. Lastly, as a dicast he gave his verdict on the proposer of a law, and thus implicitly on the law itself, for which in another capacity he might himself have voted. We have not yet exhausted the curious aspects of the *γραφὴ παρανόμων*<sup>1</sup>. Like other despotic sovereigns, the Athenian people claimed a "dispensing power" of overriding the law upon occasion: and their advisers, the professional statesmen or orators, were as such the "keepers of the royal conscience," and liable to severe punishment if their master's conscience subsequently reproached him with what he had done at their bidding. Thus the Athenians no sooner repented of their judicial murder of the six generals after Arginusæ, than they directed a prosecution of those who had advised it<sup>2</sup>. From another point of view, the sovereignty of Demos was so far constitutional that his ministers were liable to be turned out by a "vote of want of confidence." The dominant clique of orators might be discredited if one of their laws were overthrown; still more, if one of their number were punished: and the capital sentence was usually demanded<sup>3</sup>. Thus attacks ostensibly directed against measures were really aimed at men: the dicastery with its immense numbers was swayed by the passions of the assembly: and verdicts were openly demanded upon political grounds. No law was beyond the reach of this mode of indictment. However carefully all constitutional forms had been observed, it might be assailed on the vague charge of "inexpediency<sup>4</sup>;" though after the time limit<sup>5</sup> of a year the author of the law could not be punished. The *γραφὴ*

<sup>1</sup> On the *γραφὴ παρανόμων* as having taken the place of ostracism (disused after 417 B.C.), see Prof. Mahaffy in *Hermathena*, vii. 86 ff.

<sup>2</sup> ἐψηφίσαντο...προβολὰς αὐτῶν εἶναι, Xen. Hellen. i. vii. 35.

<sup>3</sup> Such phrases as *τῷ δὲ οὐχ ἂπασι τελευτᾶναι ἀλλ' ὡς* occur with unpleasant frequency in these two speeches.

<sup>4</sup> μὴ ἐπιτήδειον, T. § 33.

<sup>5</sup> *προθεσμία*, sc. *ἡμέρα*.

*παρὰ νόμων* lay, therefore, not merely against unconstitutional but against bad legislation in general; and any law might be pronounced "bad" against which a majority, however small, could be obtained in a court where the last thing expected of the jurors was to leave their politics behind them<sup>1</sup>. The motives of Demosthenes in undertaking these prosecutions thus stand in a clear light<sup>2</sup>.

The speech against Androtion has provoked none of the destructive criticism which plays so large a part in Demosthenic literature. Neither its genuineness, nor, with quite insignificant exceptions, its substantial integrity, have ever been disputed. The only doubtful passages are in § 20, where the suspicion that some words have dropt out is as old as Harporation, but the lacuna need not be, as Cobet thinks, an extensive one; in § 67, where there is a probable interpolation (but only of a few words) from the parallel passage in the Timocratea; and in § 74, where an entire section has almost certainly been interpolated from the same source<sup>3</sup>.

<sup>1</sup> We thus get the point of Aristophon's boast (see T. § 11 n.) that he had been impeached *παρὰ νόμων* 75 times and invariably acquitted. He neither gloried in breaking the law with impunity, nor denounced the prosecutions as uniformly frivolous and vexatious; his meaning is, that he had always been on the winning side in politics.

<sup>2</sup> It is in such passages as the following that we see most clearly the real Demosthenes behind the mask of advocacy, and already in marked opposition to the other orators: A. § 37, *εἰ δὲ γενήσεται τοῦτο καὶ τῶν ἡθάρων καὶ συνεστηκότων ῥητόρων ἀπαλλαγέσθε, ὅψεσθε, ὧ ἄνδρες Ἀθηναῖοι, πάνθ' ἃ προσήκει γιγνόμενα, ὥστ' εἰ μηδενὸς ἄλλον ἔνεκα, διὰ ταῦτα καταψηφιστέον*. T. § 123, *Ἄξιον τοίνυν καὶ τοῦτ' εἰπεῖν, ὅσον ὑμεῖς διαφέρετε, ὧ ἄνδρες δικασταί, μεγαλοφροσύνη τῶν ῥητόρων*...and so on to the end of § 124. Again, in T. § 157 it is argued that many public men (*πολλοὶ τῶν πολιτευομένων*) will stand by Timocrates, not for his sake but for their own.

<sup>3</sup> See the notes on each passage.

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KATA TIMOKPATOTΣ.

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THIS speech is so closely connected with the preceding, that there is room for some surprise at the traditional arrangement by which the two are separated in our copies<sup>1</sup>. We take up the history of Androtion at the point where the previous speech leaves it. It must have been within a few weeks of his acquittal, some time, therefore, in the autumn of 355, that Androtion, Melanopus, and Glauketes were sent as ambassadors to Mausolus, prince of Caria<sup>2</sup>. The occasion of the embassy, if we may trust a statement of the Scholiast which probably rests on ancient tradition, was to complain of the intrigues by which Mausolus was endeavouring, in the interest of the Persian king, to overthrow the democratic governments in the islands of Chios, Cos, and Rhodes, so recently at war with Athens<sup>3</sup>. The envoys were despatched on board a tri-

<sup>1</sup> Libanius begins his argument with the words *Διόδωρος μὲν καὶ ταῦτα ὁ κατήγορος*, as if no Aristocratea had come between.

<sup>2</sup> On the exact date see note T. § 12.

<sup>3</sup> Die Nachricht, wenn auch etwas getrübt, scheint auf alter Ueberlieferung zu beruhen. A. Schaefer *l. c.* The words of the scholium are *καταβάντες αὐτοὶ (τῶν βασιλέων) τοὺς γ' ἑαίτας πόλεις*; this would be by substituting oligarchies relying on foreign support for the popular governments.

reme commanded by Archebius and Lysitheides<sup>1</sup>. On their way they fell in with a merchant vessel from Naucratis in Egypt, and took her to Athens as a prize for adjudication. Egypt was now, as it had been for many years, in a state of chronic revolt against Persia<sup>2</sup>: and the Athenians under the stress of the Social War, anxious to maintain friendly relations with the Persian court, had observed a strict neutrality<sup>3</sup>. At an earlier period they had been actively helping the insurgents. The Athenians, whose substitute for an admiralty court seems to have been the popular assembly, endorsed this piece of sharp practice by condemning the vessel as lawful prize<sup>4</sup>; on the technical ground, it would seem, that as friends of the King they were enemies of his rebellious subjects. They might well think the step likely to aid their negotiations with Mausolus and, through him, with Artaxerxes: but apart from this, the state of their exchequer, now at its lowest ebb, supplied an ever-present motive: and the appeal of the owners was disregarded. The proceeds, or at least the greater part of them, should have come into the treasury: but after some considerable time no payment had been made. One of the periodical overhauls of the Athenian finances, by the appointment of a commission of inquiry<sup>5</sup>, now took place on the motion of the aged orator Aristophon: all persons were invited to give information against those who concealed, or were privy to the concealment of, confiscated property and other state debts. Euctemon, the late unsuccessful prosecutor of Androtion, now denounced Archebius and Lysitheides as not having accounted

<sup>1</sup> On the *συντριπαρχία* or joint command in its various forms see *Dict. Antiq.* s. v. *Trierarchia*, vol. II. p. 890.

<sup>2</sup> Reconquered after 60 years of intermittent warfare, B.C. 346–5, Grote VIII. 172.

<sup>3</sup> The first words of the Second Argument, *Πολέμου τυγχάνοντος Ἀθηναίους πρὸς βασιλέα*, are of no authority.

<sup>4</sup> See note § 12, *ἀπεχειροτονήσαθ' ὑμεῖς μὴ φίλια εἶναι*.

<sup>5</sup> *ζητηταί*, § 11 n.

for prize-money to the amount of nine and a half talents (about £2300). When the matter came before the people, the three ambassadors had the grace to admit that they, and not the trierarchs, were in possession of the money; but as the latter were legally responsible, it was decreed that payment should be exacted from them, and that a *διαδικασία* should decide the question of liability as between them and the ambassadors. This was on the motion of Euctemon, against whom Androtion and his friends immediately brought a *γραφὴ παραρόμων* but failed to obtain a verdict. Popularity did not count for much when a treasury claim, especially a just one, was at stake; and on this occasion the ring of orators was divided against itself. The elderly defendants were probably men of expensive habits, and they did not find it convenient to produce the nine and a half talents. Their shifts to put off the evil day were at length exhausted. In the summer of B.C. 353, after retaining the balance for nearly two years, they had only the alternative of immediate payment or of being adjudged defaulters<sup>1</sup>.

Timocrates, the present defendant, now interposed on their behalf with the law against which the prosecution is directed. Several persons of this name are mentioned by Demosthenes. The one now before us is doubtless different from the archon of Ol. 104, 1, B.C. 364—3, the year of Demosthenes' suit against his guardians<sup>2</sup>; but it has been proposed to identify him with the Timocrates who appears as a witness for Boeotus in the second speech (the Dowry), and who is mentioned as of the same age with Boeotus himself<sup>3</sup>. Timocrates was a man

<sup>1</sup> § 26 n.: Blass, p. 244. Their *ὀφειλόμενα* or simple indebtedness would be converted into an *ὀφλημα* or "judgment debt."

<sup>2</sup> The archon is perhaps the same man with the first husband of Orator's sister, who afterwards married Aphobus: i. Orat. *peritima*.

<sup>3</sup> Boeot. de Dot. p. 1017, § 28, p. 1026, § 59. A. Schaefer, to whom this remark is due, adds very justly that Timocrates must have been somewhat older than Boeotus (iii. 2, App. p. 218). The latter was still a young man at the date of the first speech against him, about 350.



of mature years and a practised politician, who had often before drawn decrees for hire<sup>1</sup>; but he had still a father living, and was clearly much younger than Androtion<sup>2</sup>. He was also without Androtion's influence: he had been associated with him in his exaction of arrears<sup>3</sup> and in the melting of the crowns<sup>4</sup>, but in both capacities as a subordinate rather than as a colleague on equal footing. His public morality seems to have been such as to fit him for the part of jackal to Androtion<sup>5</sup>: what is said against his private character<sup>6</sup>, as against his master's, may well have been gossip unsupported by evidence. Dirt-flinging came as natural to Demosthenes as it did to Greek orators in general.

The decree of Timocrates provided that if any state debtor had been sentenced by a court, in pursuance of any law or decree, to imprisonment in addition to making good the debt, it should be lawful for himself or any one else on his behalf to give bail for the specified amount<sup>7</sup>: that he should be allowed till the ninth prytany, the last but one of the year, to discharge the debt: that if it were still owing, he should be imprisoned and the property of his sureties confiscated<sup>8</sup>. In the first assembly of the new year, on the 11th of Hecatombaeon, he got a confederate named Epicrates to propose that a jury of Nomothetae should be summoned for the next day, under the pretext that sufficient funds had not been voted for

<sup>1</sup> § 66, *πάλαι γὰρ μισθοῦ καὶ γράφων καὶ νόμους εἰσφέρων ὥπται.*

<sup>2</sup> T. § 200: A. 66 compared with T. 173.

<sup>3</sup> T. § 166.

<sup>4</sup> T. § 182.

<sup>5</sup> *προσαγωγέως*, § 161.

<sup>6</sup> §§ 200—203.

<sup>7</sup> It is argued in § 82 that these expressions, *τὸ γεγραμμένον* and *ὁ ὥφλε*, were designed to deprive the treasury of forfeitures for overdue payments.

<sup>8</sup> In the explanation of *ἐνάτη πρυτανεία* § 15 n. I have since found that I was anticipated by Benseler; an der neunten Prytanie d. i. der vorletzten des Jahres, *Einl.* p. 76. The older commentators take no notice of the point.

the celebration of the Panathenaea with due splendour: and on the 12th the bill was smuggled through notwithstanding a public holiday for the feast of the Kronia, and in defiance, as the prosecution contend, of many other provisions against hasty legislation. The defendants would thus have secured nearly another year's delay: but the law was immediately impeached by Diodorus and Euctemon, who on this occasion changed places, Diodorus making the first or main speech and again having recourse to Demosthenes to write it for him. The trial came on, according to A. Schaefer and Blass, about the beginning of 352, or within six months of the law of Timocrates against which the attack is directed<sup>1</sup>.

Like the former speech, the Timocratea has been reckoned as a masterpiece both by ancient and modern critics. The rhetor Theon<sup>2</sup> in particular notes it as a perfect model of the way in which a bad law should be attacked. But, however masterly as a forensic argument, it does not show to the greatest advantage as a work of literary art. We miss something both of the orderly arrangement and the finished workmanship of the Androtionea. The orator has now a much better case than before; but, on the other hand, as chief accuser he is responsible for proving the whole case; he can no longer, as in the *δευτερολογία*, select a few points here and there for simple and effective treatment. Demosthenes is true to the old fashioned legal maxim of "admitting nothing" that comes from the other side. There is neither the reality nor (as in many modern speeches) the affectation of candour;

<sup>1</sup> In the archonship of Eudemus or, more correctly, Thudemos, Ol. 106, 4. The heading *κατὰ Τιμοκράτους* (not *πρὸς Τιμοκράτην*) and the repeated demands for exemplary punishment show that the person of the defendant is attacked, and not merely his law; the *πρόθεσμος* or time limit of a year had not expired. Hence it is quite impossible that the law can have been proposed at the Greater Panathenaea of 354: see note on § 26.

<sup>2</sup> *Progymn.* pp. 150, 166 ed. Walz, quoted by A. Schaefer i. 348.

Timocrates is never once right by accident ; his law is noxious from the first syllable to the last<sup>1</sup>; there is not a single redeeming feature in his private character or in that of the associates for whose benefit he introduced this law. On each of these points the proof is repeated again and again. The intricacy of the speech is a quality which it shares with others of the greater speeches ; and what has been said of these by Prof. Mahaffy is equally applicable to the Timocratea : “ Demosthenes’ method of treating a large subject at full length was not that of an orderly succession of heads. We see from his imperfect *Meidiana*, from his perfect speeches *against Aristocrates* and *on the Crown*, that his aim was to keep the whole subject all the time before his audience, by means of rapid turns, ingenious retrogressions and anticipations, and constant recapitulations<sup>2</sup>.” Of itself, therefore, this intricacy would be no proof that Demosthenes had not given his final touches to the work. It is different, however, when we come to the repetition of the long passage from the *Androtionea*, the only instance of the kind in the entire Demosthenic collection<sup>3</sup>. It is of course possible that Demosthenes may have used, simply for convenience, material which he had worked up on a previous occasion to a high degree of polish. But of all the explanations which have been suggested to account for his thus repeating himself, the strangest surely is that of Lord Brougham, that the Athenians had so keen an appreciation of brilliant oratory as an intellectual treat, that they liked it all the better on a second hearing<sup>4</sup>. Most readers will think the passage, as here repeated, too long a digression from the main subject of the speech, the prosecution of Timo-

<sup>1</sup> § 70.

<sup>2</sup> *Gr. Lit.* II. 327.

<sup>3</sup> §§ 160—186. For the very different case of the Fourth Philippic, see Mahaffy, p. 323.

<sup>4</sup> *Rhetorical and Literary Dissertations and Addresses, Works*, vol. vii. p. 192 ff.: quoted by Donaldson, *Gr. Lit.* i. 186.

crates; and this, notwithstanding the verbal cleverness with which it has been adapted to its new surroundings<sup>1</sup>. It is not to be wondered at, therefore, that others besides Benseler have suspected interpolation in this part of the speech. Other considerations, indicating a want either of (1) uniformity of style or (2) unity of treatment in different parts of the speech, point to the same conclusion.

(1) The verbal structure of the Timocratea has been examined with great minuteness by Benseler, first in his tract *de hiatu in Demosthenis orationibus* (Freiburg 1848), afterwards in the Introduction to his edition (1861). The fifty sections §§ 110—159 immediately preceding the extracts from the Androtionea, when tested by Benseler's method, yield some remarkable results. They contain no fewer than 100 instances of the sort of hiatus usually avoided by Demosthenes, as against 10 in the remainder of the speech<sup>2</sup>. Hence he assumed that these sections could not have been written by Demosthenes: and as he also saw, what can hardly be denied, that the transition in § 187 is exceedingly ill managed, he came to the conclusion that the entire portion comprised between §§ 110 and 186 is a huge interpolation<sup>3</sup> made up, first, from another speech for the same prosecution, possibly that of Euctemon, and secondly from that against Androtion with slight alteration. But the best critics, A. Schaefer and Blass, whose conclusions differ from one another only in minor particulars, find in the disputed §§ 110—159 no evidence of an inferior hand, but merely the rough workmanship of Demo-

<sup>1</sup> His cleverness has however failed the adapter, whoever he was, in T. § 175, a flat and obscure substitution for A. § 68: see the note there.

<sup>2</sup> Benseler says in the remaining 140 §§, i.e. §§ 1—109 and 187—218, but excluding from the computation §§ 160—186, mainly taken from the Androtionea.

<sup>3</sup> Including also the first words of § 187 *καὶ περὶ μὲν τούτου κατὰ τὴν ἁγίαν αἰσιν τοῦ ἀποστόλου ἔχουσιν, πάλιν λέγουσιν ἐν πρῶτῳ τοῦτον ἔχειν παλαιότερον*. This sentence has difficulties of its own: see the note.

sthenes himself<sup>1</sup>. As has been remarked in the note on § 187, scarcely any of the matter of the speech, taken section by section, seems unworthy of Demosthenes: and we cannot hesitate to prefer this less sweeping excision to that of Benseler. It will be observed, however, that both suppositions are equally fatal to the absolute integrity of the speech: i.e. to the notion that the MS. can have been handed over by Demosthenes in its present form to Diodorus, the man who was to speak it. And this argument is powerfully reinforced by another consideration than that of style and manner.

(2) The speech unquestionably begins by assuming that the ambassadors have not paid the money claimed by the State: that the vengeance of Diodorus is to be gratified by compelling Androtion, his old enemy, to disgorge his plunder, as well as by the repeal of Timocrates' law, and, if possible, the punishment of its author. Nothing inconsistent with this assumption is found all through the disputed portions of the speech §§ 110—186; the non-payment is distinctly implied in §§ 117—118, where the question of imprisonment is argued, not in the abstract, but with reference to the liability of Androtion and his colleagues. But in §§ 187—189 it is admitted by the prosecution that the claim has been satisfied; and from thence to the end all that is said is consistent with this admission. The first half of the speech, §§ 1—109, in general points the same way: the arguments of §§ 17—109 are not directed to this particular case: but in the introductory §§ 1—16 we find conflicting expressions. The non-payment is

<sup>1</sup> It cannot be supposed that either Isocrates or Demosthenes could have brought their published speeches within the rules (very different in the case of the two men, see § 72 n.) which they had respectively laid down for the avoidance of hiatus and unrhythmical combinations of syllables, without an immense amount of elaboration. This polish Isocrates, who had nothing better to do, was always ready to give: Demosthenes, the man of affairs, only occasionally when he prepared a speech for publication.



at first clearly presupposed<sup>1</sup>: but before we get to the end of the short statement of facts in §§ 11—16 the situation is altered<sup>2</sup>. Hence A. Schaefer and Blass have been led to the conclusion that we have here two recensions of the speech; that when Demosthenes first drafted it the state debt was still unpaid; that before the trial came on he had to rewrite it owing to the ambassadors having refunded<sup>3</sup>. The repetitions from the Androtion, if inserted by Demosthenes at all (a point discussed further on), thus clearly belonged to the earlier recension only. When the change of plan became necessary, the first sketch, “full of vigorous sallies against Androtion and his colleagues,” may have been complete in substance, but had not yet received the final polishing: the *hiatus valde deplendi* of §§ 110—159 are thus sufficiently accounted for. The difference of style corresponds exactly with the altered point of view: for it is precisely these sections which cannot have been spoken under the circumstances of the actual trial,

<sup>1</sup> § 2 ἵνα...μή...καταθῶσι, subjunctive not optative: § 8 βουλοίμην δ' ἂν...τόλτον παθεῖν ὧν ἄξίως ἐστίν, i.e. Androtion, who can be touched in no other way, must be made to pay: § 9 Timocrates τῶν ἱερῶν μὲν χρημάτων τοῖς θεοῖς, τῶν ὀσίων δὲ τὴν πόλιν ἀποστερεῖ and so below καθίστησιν, both verbs in the present (Blass).

<sup>2</sup> τῶν μὲν γὰρ χρημάτων δραχμὴν οὐ κατέθηκαν ἑμῶν, § 16: where see note.

<sup>3</sup> Benseler, *Einkl.* p. 82, claims for himself the discovery of a “foreign element” in the speech, and mentions A. Schaefer and Voemel as having followed him. He merely proposed, however, the excision of §§ 110—186: the theory of a double recension, which accounts much more satisfactorily for the origin of §§ 110—159, was first struck out by A. Schaefer, and further proofs supplied by Blass. If we assume, with A. Schaefer, that the prosecution was at first directed quite as much against the ambassadors as against Timocrates himself, the motive of Diodorus in undertaking it is more clearly explained. But when the debt was paid Androtion no longer afforded a mark for the openly proclaimed vengeance of Diodorus. Diodoros, des Demosthenes Schützling, konnte nun seinem Hauptfeinde nicht mehr bekommen, A. Schaefer iii. 2. 65.

<sup>4</sup> Voll wirksamer Ausfälle gegen A. und seine Genossen, Schaefer, *l.c.*



after the debt had been discharged. Whether any portion of the speech as finally corrected and delivered has been lost in the process, by which the two recensions of it were fused into that which has come down to us, is not easy to decide. Benseler, thinking only of interpolations by another hand, not of a rewriting by Demosthenes himself, imagines that by simply bracketing §§ 110—186 (and § 187 down to the word *παύσομαι*) he has restored the integrity of the speech. And Blass so far agrees with him, that he thinks the second recension may have consisted of §§ 1—109 and 187—218 with not more than a single connecting sentence now lost<sup>1</sup>. Schaefer merely expresses an opinion that the second recension was shorter than the first, and carefully completed in all its parts.

It can hardly be supposed that this amalgamation<sup>2</sup> was the work of Demosthenes himself. Our two great authorities express themselves somewhat differently, but their conclusions are substantially the same. A. Schaefer is the more explicit of the two: "either Diodorus put the speech in circulation in its present form through hatred to Androtion, or some one else took pains to render it as complete as possible, so that no part of Demosthenes' sketch might be lost" (III. 2. 65). Blass reminds us that there was a *δευτερολογία* to follow, and that thus the replies to objections and the epilogue may not seem too short; and adds that the entire manuscript of Demosthenes was "edited" (he does not hint by whom) in such a way as to give the appearance of unity to the two combined recensions (p. 249). Without venturing to dogmatise, we may further point out that the editorship of Diodorus seems highly probable on more than one ground. That Demosthenes himself

<sup>1</sup> Es genügte zur Ueberleitung zwischen 109 (110) und 187 ein Satz des Inhalts: ich wundre mich, was er zur Vertheidigung sagen wird. Blass, p. 249.

<sup>2</sup> *Contaminatio* as Terence would have called it.

should really have employed a second time the passages which had been spoken on the previous trial seems very unlikely: and no mere literary collector would have had sufficient motive for inserting them here. But Diodorus might well wish to give as many people as possible the opportunity of reading invectives so damaging to Androtion: and the two speeches were almost certainly his own property, over which the paid logographer could claim no further control<sup>2</sup>.

As the result of the foregoing discussion, the component parts of the Speech may be thus briefly characterised. I. §§ 1—109 belong to the second recension: the payment of the money is in general presupposed, though with some inconsistencies (already pointed out) in the first 16 sections, as though the two different proems had been insufficiently welded together<sup>3</sup>: the diction is polished up to the usual smoothness of Demosthenes in his finished speeches. II. §§ 110—159 belong to the first recension. Non-payment is presupposed throughout: and the style remains comparatively in the rough. III. §§ 160—186, repeated from the *Androtionea* with slight alterations, either belong to the first recension or (more probably) to neither: the question of finish does not come in here. IV. §§ 187 to end belong to the second recension: the payment is once more presupposed and the diction has received its final touches<sup>4</sup>.

<sup>2</sup> It is only right to mention, as a point the other way, that the parallel section A. 74 = T. 182 seems more in its place in the latter speech: see the note in A.

<sup>3</sup> The probability that speeches in private suits became the property of the client, is noticed both by Prof. Mahaffy *Gr. Lit.* ii. 305, and by Prof. Butcher, *Demosth.* p. 139 n.

<sup>4</sup> The state of these opening §§ furnishes perhaps the strongest reason against attributing the fusion to Demosthenes. The present editor, at least, cannot believe him to have been responsible for such slovenly workmanship.

<sup>5</sup> Owing to the complexity and the repetitions of this Speech, it has not been thought necessary to give in this place an analysis of its con-

“What was the result of the prosecution we are not informed. We can scarcely conceive, indeed, that it failed altogether, for the arguments of Demosthenes seem conclusive as to the illegality and inexpediency of the law against which they were directed. But as the demands of the State had been previously satisfied by the payment of the prize-money, the original subject in dispute, we may conjecture, as Demosthenes appears to have expected (§ 218), that Timocrates was not severely punished either in purse or person<sup>1</sup>.” Androtion henceforth drops out of history: the tradition is that he quitted Athens not long afterwards, retired to Megara, and there wrote his historical work, the *Atthis*, in the enforced leisure of banishment<sup>2</sup>. This conclusion has been shaken by an inscription discovered within the last few years (*Ἀθήναιον*, 1877, p. 152 ff: Hicks, *Inscr.* p. 189). In the archonship of Themistocles, B.C. 347—6, Ἀρδοπίων Ἀρδωρος Παργήτιος appears as the mover of a decree conferring honours on Spartocus and Paerisades, joint kings of Bosphoros: it would seem therefore that, whatever happened to Timocrates, Androtion, having cleared his debt to the state, was neither banished nor disfranchised. We also learn incidentally the name of his deme.

tents, as was done in the Introduction to the companion speech. The reader who desires to follow the tortuous course of the argument is referred to the abstracts prefixed to each paragraph of the commentary: they may be read consecutively in order to get a general view of its drift.

<sup>1</sup> These sentences are borrowed from Mr Whiston's Introduction. In going over the same ground with a still living English editor, I have, I trust, been especially careful in acknowledging every note or remark for which I have been indebted to him.

<sup>2</sup> Welches der Erfolg der Sache war wird nicht überliefert; doch verliess A. nicht lange darauf, wie es scheint, Athen und zog sich nach Megara zurück, wo er, wie Plut. de exil. c. 14, p. 605 C. berichtet, in der Musse der Verbannung sein Geschichtswerk niederschrieb. Westermann ap. Pauly i. ed. 2, s. v. Androtion.

The identity of the historian with the orator is almost certain<sup>1</sup>. The 'Ατθίς was an historical or rather "antiquarian and annalistic"<sup>2</sup> account of Attica from the earliest times. The number of books of which it consisted is uncertain: the twelfth is cited by Harpocration (s.v. 'Αμφίπολις). It is not a little remarkable, as bearing on the question of identity, that the extant quotations from this work just cover the period of Androtion's political career; the latest event noticed is the διαψήφισις in the archonship of Archias, Ol. 108, 3, B.C. 346—5<sup>3</sup>. If he died before Chaeroneia he may be pronounced *felix opportunitate mortis*.

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<sup>1</sup> For it are A. Schaefer i. 351, who replies to the objections of C. Müller and others, the German writers generally (see Schaefer's references), Whiston, and most positively Westermann *l. c.* *Dass der Geschichtschreiber A. von dem Redner und Staatsmann verschieden sei... ist schwerlich richtig*, says the latter. Against it Ruhnken, Dindorf in his introductory notes to the Androtionea, C. Müller, Pref. to *Fragm. Hist. Graec.* i. p. lxxxiii., and Siebelis, whose argument from style is controverted by Müller himself.

<sup>2</sup> Whiston after Donaldson, *Gr. Lit.* i. 229.

<sup>3</sup> Harpocration s. v. διαψήφισις: printed by Müller as fr. 133 of Philochorus. The fragments of the 'Ατθίς are in Müller i. p. 371—377. I have read these fragments, and must demur to the inference drawn from two of them by Mr Whiston as to the untrustworthiness of Androtion as a writer. In Pausan. vi. 7, the words εἰ δὲ τὸν ὅντα εἶπεν 'Ανδροτίων λόγον must mean "if he is right in this particular instance," and convey no imputation upon his general character. The other case is more palpable. Aelian V. H. viii. 6 says: Ταῦτα 'Ανδροτίων λέγει, εἰ τε πεπρωτος [ἐπὶ τῆς ἀγραμματοσίας καὶ ἀπαιδευσίας Θρακῶν τεκνηρωῖσαι]. The meaning of course is, "if he is sufficient authority to prove the illiterateness of the Thracians:" Mr Whiston's quotation stops short of the words in brackets. To none would the unqualified phrase εἰ τε πεπρωτος be more applicable than to Aelian himself. That the Thracians were unable to read and write he evidently thought a statement so startling as to require special attestation: an opinion more creditable to the general diffusion of "elementary education" in the Graeco-Roman world of his time than to his own good sense.

It remains to say a few words as to the view taken, in the Introduction and Notes, of the Athenian character and, in particular, of that of Demosthenes. A close examination of the workings of Athenian law-courts cannot fail to bring into relief some of the weak points of the national character: and when I find Demosthenes descending to arts of which even the less respectable lawyers of the present day would be ashamed, I cannot suppress the fact. But I should be sorry to be thought wanting in generous appreciation either of Athens or of Demosthenes. If it were not that men's minds, in judging of Greek democracy, are under the influence of modern political prejudices, no one who had studied the condition of mankind at different periods of history could doubt that the Athenian community was, on the whole, the happiest that ever rested upon a basis of slavery. That the free joyous old Greek life attained its climax among the fully enfranchised citizens, with their round of varied political and intellectual excitements, even the least favourable critics admit. That the unenfranchised aliens, whether *ξένοι* or *μέτοικοι*, were better treated than elsewhere, is shown by the marked preference which they displayed for Athens, above all Greek cities, as a place of residence and of business. And Athenian slavery, with its inevitable dark side, will compare favourably with the same institution at Rome, or as practised by Christian nations in the New World. While we study, in the Orators, the mingled legal and political issues fought out in Athenian courts, we do well to remember the very late growth of the spirit of justice and humanity in modern procedure. The rage of faction, and the judicial murders in which it sometimes expended itself, were, more excusably, no worse at Athens than in the England of 200 years ago. The Athenians were to our notions strangely indifferent to human life; but their capital punishments were far less revolting than those of Europe generally one hundred years ago. Their



ideas in matters of political economy were scarcely more rudimentary than some that crop up even in that oasis in a protectionist desert, the England of to-day<sup>1</sup>.

I am even more unwilling to be suspected of injustice towards Demosthenes, as I am not carried away by the current of recent opinion which in this country has turned against him, and has been supported with remarkable literary ability. The view which commended itself to minds at once so robust and so dispassionate as those of Thirlwall and Grote may yet prevail over the depreciatory criticism of the Messrs Simcox and Prof. Mahaffy. In the former more especially we seem to recognise a readiness to accept any evidence when a great reputation is to be ruined, and something too much of triumphant iconoclasm<sup>2</sup>. Because Niebuhr injudiciously pro-

<sup>1</sup> Some comparisons on these and similar points will be found in the notes: e.g. T. 76, 125, 127, 136, 140, 212.

<sup>2</sup> Prof. Mahaffy, it is some comfort to observe, does not countenance the charges against Demosthenes' private morals, and indeed gives weighty reasons against doing so: p. 351 n. The Professor, I venture to think, seems to hold and certainly suggests to his readers a more favourable estimate in the bulk of his chapter on Demosthenes than in the sentence or two in which he declares his adhesion to the views of Messrs Simcox. Having had occasion to differ in opinion with Prof. Mahaffy on this one point, I gladly express my concurrence with his views on two other questions, on both of which he has had to encounter much adverse criticism. (i) While fully sharing his admiration for the great works of A. Schaefer and Blass, I rejoice that he has raised his protest against the scepticism which the former writer carried to an extreme, and from which the latter shows only a slight reaction. Schaefer had reduced the number of genuine speeches to twenty-nine; Blass raises it to thirty-three. I agree with Prof. Mahaffy in thinking that ultimately a much larger number will be acknowledged. If speeches can be proved on internal grounds to be earlier than Demosthenes, like the *Callippus*, or later, like the *Dionysodorus* (a doubtful instance after all), well and good: but I hold with Prof. Mahaffy that we are not entitled to reject, on grounds of style, and still less of dishonesty in the argument, works which commended themselves to the fastidious critical



nounced him "almost a saint," we are not justified in denying him the possession of common honesty. Demosthenes undoubtedly amassed great wealth, but by methods which the morality of his day sanctioned. In an age when selfishness was not yet sufficiently recognised as a vice, he lived simply and gave away largely. If he took the money of Harpalus, a charge which after the recent strengthening of the case against him<sup>1</sup> we would by no means deny, so pure a patriot as Algernon Sidney accepted a pension from Louis XIV. Had the motives of Demosthenes throughout his career not been pure in the main, he could have had no inducement to place himself in marked opposition to the other orators: he would have hunted with the pack, and this notoriously he did not do. When the day of trial came, his unpopularity and isolation served to point the malice of his enemies.

taste of Dionysius. (ii) In his *Social Life in Greece* Prof. Mahaffy, as is well known, places the Greeks on a lower level, especially as regards honesty, truthfulness, and public spirit, than is claimed for them by more thoroughgoing admirers. Here also it appears to me that he is right. At the last moment while these sheets are passing through the press, I observe in the *Academy*, Oct. 21, 1882, a review of Herr Schmidt's work on the Ethics of the Ancient Greeks. The reviewer thinks this last and most learned German investigator strongly opposed to Prof. Mahaffy's views: but he makes the following admissions. (1) That the Greeks were "wanting in appreciation of the duty of man to man, as such, and were disposed to consider the rules of war applicable to the relations of individuals of different families:" (2) that they were not remarkable for family affection: (3) he would be glad to hear (Herr Schmidt apparently having said nothing) what the Greeks thought of commercial dishonesty: (4) Aristotle testifies in his *Politics* to the difficulty in getting magistrates who would face odium by enforcing sentences against their fellow-citizens: (5) Greek practice in morals fell a good deal short of Greek theory. I think Prof. Mahaffy here gets all that he wants in the way of concession. No one has denied that Plato and Aristotle erected on their several bases sufficiently high systems of morality. But a still higher system may coexist with grave faults in a national character.

<sup>1</sup> By the discovery of the Hypereides papyri: see Mahaffy II. 373 f.

As an advocate he was, we have seen, in no respect in advance of his time. The courts and assemblies of Athens were no schools of stainless honour, of gentlemanlike feeling, of scrupulousness in argument, of decent reticence in language. On a wide historic retrospect, we may place Demosthenes on a level with the noblest patriots of all times. We may believe, without credulity, that the author of the Speech on the Crown was as incapable of selling his country as Chatham or Peel. But when we turn to the forensic side of Attic oratory, we feel how much has been gained by modern culture and by Christian morality. The true "glory of Themis" has unquestionably risen higher among the countrymen of a Cockburn and a Coleridge, or of a Berryer and a Dufaure, than among the countrymen of Themistocles.



## ΚΑΤΑ ΑΝΔΡΟΤΙΩΝΟΣ ΠΑΡΑΝΟΜΩΝ.

### ΛΙΒΑΝΙΟΥ ΤΠΟΘΕΣΙΣ.

Δύο ἦσαν ἐν Ἀθήναις βουλαί, ἡ μὲν διηνεκῆς, ἡ ἐν Ἀρείῳ πάγῳ περί τε φόνων ἐκουσίων καὶ τραυμάτων καὶ τοιούτων τινῶν δικάζουσα, ἑτέρα δὲ ἡ τὰ πολιτικὰ πράττουσα· αὕτη δὲ κατ' ἐνιαυτὸν ἡμείβετο, ἐκ πεντακοσίων ἀνδρῶν τῶν τὴν βουλευτικὴν ἡλικίαν ἀγόντων συνισταμένη. νόμος δὲ ἦν ἐπιτάττων τῇ βουλῇ ταύτῃ ποιεῖσθαι τριήρεις καινὰς, εἰ δὲ μὴ ποιήσῃται, κωλύων αὐτὴν αἰτεῖν παρὰ τοῦ δήμου δωρεάν. νῦν τοῖνυν ἡ μὲν βουλή τὰς τριήρεις οὐκ ἐποίησατο, Ἀνδροτίων δὲ γέγραφεν ἐν τῷ δήμῳ ψήφισμα στεφάνῳσαι τὴν βουλήν. ἐπὶ τούτῳ παρανόμων κρίνεται,

*Argument.* Δύο...βουλαί] The distinction between a judicial body (δικάζουσα) such as the Court of Areiopagus, and a Council of State (τὰ πολιτικὰ πράττουσα) like the Senate of Five Hundred, was less clearly marked in ancient times: hence the common term βουλή is applied to both.

διηνεκῆς] 'perpetual,' because its members were elected for life; opp. to κληρωτὴ κατ' ἐνιαυτόν.

τραυμάτων] *Dict. Antig.* s.v. Traumatosek Pronoias Graphé.

βουλευτικὴν ἡλικίαν] Thirty, as for the ἡλιασταί. See the Heliastic Oath, *Timoer.* § 150.

ἐποίησατο ... γέγραφεν] The confusion of aorist and perfect in late Greek is noticed by Mr Paley on the Arguments to the speeches πρὸς Φορμίωνα, p. 906, and ὑπὲρ Φορμίωνος, p. 943. So προσέφη below unless we may say that Euctemon has opened the case and now Diodorus 'follows on the same side' (ἐπακολουθεῖται).

παρανόμων] *Dict. Antig.* s.v. Paranomon Graphé.

κατηγορούντων αὐτοῦ δύο ἐχθρῶν, Εὐκτῆμονος καὶ Διοδώρου. καὶ προείρηκε μὲν ὁ Εὐκτῆμων, δεύτερος δὲ ὁ Διόδωρος ἐπαγωνίζεται τούτῳ τῷ λόγῳ. φασὶ δὲ οἱ κατήγοροι πρῶτον μὲν ἀπροβούλευτον εἶναι τὸ ψήφισμα (νόμου γὰρ κελεύοντος μὴ πρότερον εἰς τὸν δῆμον ψήφισμα ἐκφέρειν, πρὶν ἐν τῇ βουλῇ δοκιμασθεῖν, τὸν Ἀνδροτίωνα παρὰ τοῦτον τὸν νόμον ἀπροβούλευτον εἰσενεγκεῖν τὴν γνώμην), δεύτερον δὲ ὑπεναντίον ἐκείνῳ τῷ νόμῳ τῷ κελεύοντι μὴ ποιησάμενην τὴν βουλὴν τὰς τριήρεις μὴ αἰτεῖν δωρεάν· εἰ γὰρ αἰτεῖν οὐκ ἔξεστι, δῆλον ὡς οὐδὲ τὸ δοῦναι συγκε- 588  
χώρηται. τούτους μὲν εἰς τὸ πρᾶγμα τοὺς νόμους παρέχονται δὲ καὶ κατὰ τοῦ προσώπου δύο, τὸν τῆς ἐταιρήσεως καὶ τὸν τῶν ὀφειλόντων τῷ δημοσίῳ, καὶ φασὶ τὸν Ἀνδροτίωνα κατὰ ἀμφοτέρους ἄτιμον εἶναι· καὶ γὰρ πεπορνεῦσθαι καὶ χρέος πατρῶον ὀφείλειν τῇ πόλει.

### ΕΤΕΡΑ ΤΠΙΟΘΕΣΙΣ.

Διάφοροι παρ' Ἀθηναίοις ὑπῆρχον ἀρχαί, ὧν αἱ μὲν κληρωταί, αἱ δὲ χειροτονηταί, αἱ δὲ αἵρεταί. καὶ κληρωταὶ μὲν αἱ κατὰ κλήρον γινόμεναι, ὡς αἱ τῶν δικαστῶν, χειροτονηταὶ δὲ αἱ κατὰ χειροτονίαν τοῦ

ἀπροβούλευτον] See § 5.  
κελεύοντι...μὴ αἰτεῖν] A classical writer would have said ἀπαγορεύοντι μὴ αἰτεῖν.

εἰς τὸ πρᾶγμα...κατὰ τοῦ προσώπου] 'bearing on the case,' 'against the person' of Andro- tion.

Second Argument. The remark of Taylor, that this argument is 'illustre' (i.e. a chief source of our information) on the Senate of Five Hundred,

must not blind us to its many defects of style and misstatements of fact. Ἀντιδιαστολή for 'contradistinction,' ὑποπίπτειν 'to consist of,' προλαβόντος 'previous,' εἰσιέναι ἐν τῷ δῆμῳ for εἰς τὸν δῆμον, all savour of grammarians' Greek. And much of the information, when closely examined, turns out to be incorrect: e.g. the account of the Prytany and its subdivisions in p. 590.

δήμου γινόμεναι, ὡς αἱ τῶν στρατηγῶν, αἵρεται δὲ αἱ κατὰ αἵρεσιν, ὡς αἱ τῶν χορηγῶν. τούτων μία ἢ τῶν κληρωτῶν ἢ βουλή τῶν πεντακοσίων. τῶν πεντακοσίων δὲ εἶπομεν πρὸς ἀντιδιαστολήν τῆς ἐν Ἀρείῳ πάγῳ. εἰσὶ δὲ τούτων διαφοραὶ τρεῖς. καὶ πρώτη ἐστὶ τὸ τὴν τῶν πεντακοσίων τὰ δημόσια πράγματα διοικεῖν, τὴν δὲ ἐν Ἀρείῳ πάγῳ τὰ φοινικὰ μόνον. εἰ δὲ τις εἴποι ὅτι καὶ αὕτη δημόσια διώκει, λέγομεν ὅτι, ἡνίκα μεγίστη ἀνάγκη ἐγένετο, τότε μόνον περὶ δημοσίων συνήγετο. δευτέρα διαφορά, ὅτι ἢ μὲν τῶν πεντακοσίων ἀριθμῷ ὑποπίπτει ὠρισμένῳ. ἢ δὲ ἄοριστῳ. ὡς γάρ τινες τῶν ῥητόρων λέγουσι, κατ' ἔτος οἱ ἐννέα ἄρχοντες αὐτῇ προσετίθεντο· ὡς δὲ τινες, ὅτι οἱ ἕξ μόνον θεσμοθέται. ἦσαν γὰρ ἕξ θεσμοθέται, οἱ περὶ ἐταιρήσεως δικάζοντες. ἦσαν δὲ καὶ ἄλλοι τρεῖς, εἰς ἐπώνυμος, ἕξ οὗ καὶ ὁ ἐνιαυτὸς ἐπώνυμος ὠνομάζετο, δεύτερος ὁ βασιλεὺς, ὁ τὰ τῶν ὀρφανῶν καὶ ἀσεβειῶν διοικῶν, τρίτος ὁ πολέ- 589 μαρχος, ὁ τῶν πολεμικῶν ἐπιμελούμενος. οἱ δὲ θεσμοθέται ἐνιαυτὸν μόνον ἦρχον, πρὸ τῆς ἀρχῆς κρινόμενοι περὶ τοῦ προλαβόντος παντὸς βίου. καὶ εἰ μὲν εὐρέθησαν ἐν πᾶσι δίκαιοι, ἦρχον τὸν ἐνιαυτὸν. εἴτα πάλιν μετα τὸν ἐνιαυτὸν ἐκρίνοντο, εἰ καλῶς ἐν αὐτῷ ἦρξαν· καὶ εἰ δικαίως ὥφθησαν ἄρξαντες, προσετί-

αἵρεται] There is no real difference, as Boeckh and others have pointed out, between this and χειροτονηταί.

ὡς δὲ τινες, ὅτι] The ὅτι is superfluous after ὡς, but, as Schaefer observes, a similar laxity or confusion between two constructions is not uncommon even in classical writers. The name Thesmothetae seems to have been sometimes applied to all the nine Archons, and

not merely to the six juniors: hence the rather confused statements here and below, p. 589, l. 1. The δοκιμασία (πρὸ τῆς ἀρχῆς κρινόμενοι) and εἴθυναί (εἰ καλῶς ἦρξαν) obviously refer to the whole nine.

τὰ τῶν ὀρφανῶν καὶ ἀσεβειῶν] A mistake as regards the former. The Eponymus, and not the Basileus, was the guardian of orphans and heiresses (ἐπίκληροι). *Dict. Antiq.* s.v. Archon.



θεντο τῇ βουλῇ τῶν Ἀρειοπαγитῶν. καὶ διὰ τοῦτο οὐχ ὑπέπιπτον ἀριθμῷ. εἰ δὲ μή, ἐξεβάλλοντο. τρίτη διαφορά, ὅτι ἡ μὲν τῶν πεντακοσίων κατ' ἐνιαυτὸν διεδέχετο, ἡ δὲ τῶν Ἀρειοπαγитῶν ἦν ἀδιάδοχος· εἰ μὴ γάρ τις ἡμαρτε μεγάλως, οὐκ ἐξεβάλλετο. ἐπειδὴ δὲ οὐ πρόκειται ἡμῖν περὶ τῆς ἐν Ἀρείῳ πάγῳ βουλῆς, ἀλλὰ περὶ τῶν πεντακοσίων, ἀναγκαῖον μαθεῖν ἡμᾶς πῶς ἦρχεν. ἰστέον ὅτι οὐκ ἐψήφίζον οἱ Ἀθηναῖοι τοὺς μῆνας κατὰ τὸν ἡλιακὸν δρόμον, ὥς ἡμεῖς, ἀλλὰ κατὰ τὸν σεληνιακόν. κατὰ γὰρ τὸν ἡλιακὸν ἔχει ὁ ἐνιαυτὸς ἡμέρας τριακοσίας ἐξήκοντα πέντε, ὥστε συμβαίνει ἔχειν τὸν μῆνα ἡμέρας τριάκοντα καὶ τρίτον καὶ δωδέκατον. δεκάκις γὰρ τριάκοντα τριακόσια, δις τριάκοντα ἐξήκοντα· λοιπὰ πέντε. τὸ τρίτον τῶν δώδεκα τέσσαρα· λοιπὴ μία. δωδέκατον δὲ τῆς μιᾶς δύο ἐστί. κατὰ δὲ τὸν σεληνιακὸν δρόμον ὁ ἐνιαυτὸς ἔχει τριακοσίας πεντήκοντα τέσσαρας, ὥστε συμβαίνει τὸν μῆνα ἔχειν ἡμέρας εἰκοσιεννέα ἡμισυ. δεκάκις γὰρ εἴκοσι διακόσια, δις εἴκοσι τεσσαράκοντα, δεκάκις ἐννέα ἐννεήκοντα, δις ἐννέα δεκαοκτώ, καὶ τὸ ἡμισυ τῶν δώδεκα ἕξ. ὥστε ὁμοῦ εἶναι ἡμέρας τριακοσίας πεντήκοντα τέσσαρας, ὑπολείπεσθαι δὲ κατὰ τὸν ἡλιακὸν δρόμον ἡμέρας ἑνδεκα, ἃς Ἀθηναῖοι κατὰ τριετίαν συνάγοντες ἐποιοῦν τὸν ἐμβόλιμον μῆνα τριάκοντα τριῶν ἡμερῶν. ἔχει γοῦν 590 ὁ ἐνιαυτὸς κατὰ τὸν σεληνιακὸν δρόμον τριακοσίας

ἀριθμῷ] i.e. ἀριθμῷ ὠρισμένῳ, expressed above. As R. W. points out, the subject of ὑπέπιπτον is οἱ Ἀρειοπαγίται, that of ἐξεβάλλοντο is οἱ θεσμοθέται.

τρίτον καὶ δωδέκατον] The Greek way of expressing 1<sup>52</sup>. The five days over and above 360 are supposed to be divided

equally among the twelve months.

τὸν ἐμβόλιμον μῆνα] It is not worth while to correct in detail this writer's statements about the mode of intercalation. It is enough to refer to *Dict. Antiq.* s. v. Calendar (Greek).

πεντήκοντα τέσσαρας ἡμέρας. καὶ τὰς μὲν δ' ἡμέρας ἐκάλουν οἱ Ἀθηναῖοι ἀρχαιρεσίας· ἐν αἷς ἄναρχος ἢ Ἀττικὴ ἦν. ἐν ταύταις προεβάλλοντο τοὺς ἄρχοντας. ἦρχον οὖν οἱ πεντακόσιοι τὰς τριακοσίας πεντήκοντα ἡμέρας. ἀλλ' ἐπειδὴ πολλοὶ ἦσαν καὶ δυσχερὺς ἦν οὖν τὰ πράγματα, διεΐλον ἑαυτοὺς εἰς δέκα μερίδας κατὰ τὰς φυλάς, ἀνὲ πεντήκοντα· τοσούτους γὰρ ἐκάστη φυλὴ προεβάλλετο. ὥστε συνέβαινε τοὺς πεντήκοντα ἄρχειν τῶν ἄλλων ἀνὰ τριάκοντα πέντε ἡμέρας. αὐταὶ γὰρ αἱ τριάκοντα πέντε ἡμέραι εἰσὶ τὸ δέκατον μέρος τοῦ ἐνιαυτοῦ· δεκάκις γὰρ τριάκοντα τριακόσια, πεντάκις δέκα πεντήκοντα. ἀλλ' ἐπειδὴ πάλιν οἱ πεντήκοντα πολλοὶ ἦσαν εἰς τὸ ἄρχειν ἅμα, οἱ δέκα κατὰ κλῆρον μίαν ἡμέραν τῶν ἑπτὰ, ὁμοίως δὲ ἕκαστος τῶν ἄλλων ἀπὸ κλήρου ἦρχε τὴν ἑαυτοῦ ἡμέραν, ἄχρις οὗ πληρωθῶσιν αἱ ἑπτὰ ἡμέραι. καὶ συνέβαινε τοῖς ἄρχουσι τρεῖς μὴ ἄρχειν. ἕκαστος δὲ ἄρχων ἐν μιᾷ ἡμέρᾳ ἐκαλεῖτο ἐπιστάτης. διὰ τί δὲ μίαν μόνην ἦρχεν; ἐπειδὴ αὐτὸς τὰς κλεῖς τῆς ἀκροπόλεως ἐπιστεύετο, καὶ πάντα τὰ χρήματα τῆς πόλεως. ἴν' οὖν μὴ ἐρασθῇ τυραννίδος, διὰ τοῦτο μίαν ἡμέραν ἐποιοῦν αὐτὸν ἄρξαι. ἰστέον δ' ὅτι οἱ μὲν πεντήκοντα ἐκαλοῦντο πρυτάνεις, οἱ δὲ δέκα

ἄναρχος] Here too, as Funkhaenel puts it, 'Scholiasta somniat.' We learn from Harpocration (s.v. *πρυτανεία*, quoting Aristotle) that some of the Prytanies consisted of 35, others of 36 days; and Schoemann has further proved that the four supernumerary days were given to the tribes which came last in order (Assemblies, p. xvi, from an inscription of B.C. 410). When the Aristotelian treatise

Ἀθηναίων πολιτεία was written, the four first prytanies had the extra day (c. 43: *Dict. Antiq.* ii. 1064 b).

μίαν ἡμέραν τῶν ἑπτὰ] The cumbrous and now exploded view of the functions of the Proedri and Epistatae rests mainly upon this passage and on the Scholia to Aeschines, Ctes. § 39. Compare *Dict. Antiq.* s.v. Boulé, p. 311 a.

πρόεδροι, ὁ δὲ εἰς ἐπιστάτης. μετιτέον δὲ ἐπὶ τὴν ὑπόθεσιν τοῦ προκειμένου λόγου.

Ἔθος ἦν τὴν βουλὴν τῶν πεντακοσίων λαμβάνουσαν χρήματα ἀπὸ τοῦ δήμου καινὰς τριήρεις ποιεῖν. νόμος δὲ ἦν τὴν βουλὴν τὴν δόξασαν τῷ δήμῳ καλῶς βεβουλευκέναι στεφανοῦσθαι. αὕτη οὖν ἡ 591 βουλή, περὶ ἧς ὁ λόγος, λαβοῦσα τὰ χρήματα ἐκ τοῦ δήμου τὰς τριήρεις οὐκ ἐποίησεν, ἐδόκει δ' εἰς τὰ ἄλλα πάντα καλῶς βεβουλευκέναι. ὁ γοῦν Ἀνδροτίων ὁ ῥήτωρ, προστάτης ὢν ταύτης τῆς βουλῆς, ἔγραψε ψήφισμα στεφανωθῆναι τὴν βουλὴν. τούτου ἐλάβοντο τοῦ ψηφίσματος ὡς παρανόμως γραφέντος Εὐκτῆμων καὶ Διόδωρος, ἐχθροὶ ὄντες τοῦ Ἀνδροτίωνος. ἔστιν οὖν ἡ στάσις πραγματικὴ ἔγγραφος, ἐπίσκεψις μέλλοντος χρόνου, εἰ δὲ τότε ποιῆσαι ἢ εἰ δὲ τότε δοῦναι ἢ μή. καὶ ἐπειδὴ πρὸς τὴν στάσιν τοῦ λόγου συμβάλλεται ὑμῖν τὸ μαθεῖν τὰς δικαιολογίας, φέρε πρῶτον τὰς τῶν κατηγόρων ἐξετάσωμεν. Εὐκτῆμων οὖν καὶ Διόδωρος ἐπιλαμβάνονται κατὰ τέσσαρας νόμους τοῦ ψηφίσματος, ὃν πρῶτός ἐστιν, ἀπροβούλευτον ψήφισμα μὴ εἰσιέναι ἐν τῷ δήμῳ. ἐπειδὴ γὰρ πολὺς ἦν ὁ δῆμος καὶ πολλάκις παρεκρούετο, μὴ νοῶν εἰ ἔχει ἐμφωλεύουσιν κακουργίαν, πρῶτον παρεπέμπετο εἰς τὴν βουλὴν τῶν πεντακοσίων, καὶ αὕτη ἡρεῖνα, εἰ ἔχει βλάβην τινὰ ἢ

προστάτης] 'A leading man,' R. W. rightly after Schaefer.

ἡ στάσις] 'The question (*status* Quintil. III. 6. 1, quoted by Shilleto on F. L. Argument) turns on matters of fact contained in writings: in the present instance, on the construction of certain laws. For the different kinds of *στάσεις* Ernesti, *Lex Technol.* s.v. *Ποιότης*,

may be consulted: but the technicalities of the writers on the anatomy of rhetoric are not necessary either to the study or the literary enjoyment of the Orators.

εἰ ἔχει] sc. τὸ ψήφισμα, with this writer's usual carelessness as to the subjects of his verbs. So below ἐφοβεῖτο μὴ διαφωνηθῇ is 'Androtion feared lest his

κακουργίαν, καὶ οὕτως εἰσήγετο εἰς τὸν δῆμον. ἔδει οὖν αὐτὸν πρῶτον εἰσενέγκαι τὸ ψήφισμα εἰς τὴν βουλὴν. οὐκ εἰσήνεγκε δέ, ἐπειδὴ νεωστὶ ἄρξασα ἦν ἡ βουλὴ, καὶ ἐφοβεῖτο μὴ διαφωνηθῇ<sup>a</sup>. ἕκαστος γὰρ τὸν πρὸ αὐτοῦ θέλει δείξαι κακῶς ἄρξαντα. δεύτερος νόμος, τὴν βουλὴν τὴν ποιήσασαν τὰς τριήρεις αἰτεῖν τὴν δωρεάν. τρίτος νόμος, τὸν ἡταιρηκότα μὴ πολιτεύεσθαι. Ἄνδροτίων ἄρα, ὃς ἡταίρηκεν, οὐκ ὤφειλε πολιτεύεσθαι. τέταρτος νόμος, τὸν ἐποφείλοντα τῷ δημοσίῳ μὴ πολιτεύεσθαι. σὺ δέ, ὦ Ἄνδροτίων, ὀφείλεις· οὐκ ἄρα δεῖ σε πολιτεύεσθαι. εἴπωμεν δὲ 592 καὶ τὰς τοῦ φεύγοντος δικαιολογίας. ὁ τοίνυν Ἄνδροτίων πρὸς τὸν πρῶτον νόμον ἔθει ἀγωνίζεται. λέγει γὰρ ὅτι ἔθος ἐκρίτησεν ἀπροβούλευτον ψήφισμα εἰσάγεσθαι ἐν τῷ δήμῳ. πρὸς δὲ τὸν δεύτερον ἀντινομικῶς· παραφέρει γὰρ καὶ αὐτὸς ἕτερον νόμον λέγοντα τὴν βουλὴν, ἐὰν δόξη καλῶς βεβουλευκέναι ἐν τῷ δήμῳ, στεφανοῦσθαι. πρὸς δὲ τοὺς ἄλλους δύο παραγραφικῶς ἀγωνίζεται, λέγων ὅτι ἄρτι οὐκ ὤφειλε κρίνεσθαι περὶ τούτων.

Τινὲς δ' ἐπεχείρησαν τοῦτον τὸν λόγον εἰπεῖν πραγματικὴν πρὸς ἀντινομίαν, λέγοντες ὅτι "ἰδοὺ καὶ

<sup>a</sup> διαφθονηθῇ Dind., Blass.

motion should be opposed:' a late sense of this verb found in Dion. Hal. The alteration to διαφθονηθῇ seems unnecessary.

τὴν ποιήσασαν...αἰτεῖν] In good Greek the meaning would be brought out more clearly by ποιήσασαν (without τὴν) εἴτα (tum demum, only when it had built ships) αἰτεῖν. Or it might be expressed as in § 11 of the speech.

παραγραφικῶς] By way of παραγραφῇ, demurrer or bill of

exceptions.

πραγματικὴν πρὸς ἀντινομίαν] The distinction here drawn is again not of much real importance. The (στάσις) πραγματικὴ πρὸς ἀντινομίαν would imply a difficulty arising as to the course to be pursued when it is seen that two laws are in (real or seeming) contradiction to one another: the μόνη ἀντινομία of the text is the difficulty of proving the legality of some deed which has actually been done.

“ἐνταῦθα δύο νόμοι μάχονται ἀλλήλοις ἐκ περι-  
 “στάσεως, ὧν ὁ εἷς παραβέβασται διὰ τὸ κυρωθῆναι  
 “τὸν ἕτερον.” ἀλλὰ λέγομεν ὅτι ἐν τῇ πραγματικῇ  
 τῇ πρὸς ἀντινομίαν οὐδέτερος παραβαίνεται, ἀλλὰ  
 σκοποῦμεν ποῖον δεῖ παραβαθῆναι. ἐν δὲ τῷ πα-  
 ρόντι λόγῳ οὐχ οὕτως· ὁ εἷς γὰρ τῶν νόμων παρα-  
 βέβασται, ὁ λέγων τὴν βουλήν τὴν μὴ ποιήσασαν  
 τὰς τριήρεις μὴ αἰτεῖν δωρεάν. τοῦτο δὲ οὐκ ἴδιον  
 πραγματικῆς τῆς πρὸς ἀντινομίαν, ἀλλὰ μόνης ἀντι-  
 νομίας.

Ἰστέον δὲ ὅτι, ἡνίκα δύο ὥσι κατήγοροι, ὧν ὁ μὲν  
 εἷς νεώτερος, ὁ δὲ ἕτερος πρεσβύτερος, οὗτος λαμ-  
 βάνει τὴν πρωτολογίαν κατὰ τιμήν, ὥσπερ καὶ  
 ἐνταῦθα ὁ Εὐκτῆμων ἔλαβε τὴν πρωτολογίαν ὡς  
 πρεσβύτερος, καὶ εἶπε τὰ προοίμια καὶ τὴν κατά-  
 στασιν καὶ μέρος τι τῶν ἀγώνων. ὁ δὲ Διόδωρος,  
 ἰδιώτης ὢν, ἔλαβεν ἀπὸ τοῦ Δημοσθένους τὸν παρόντα  
 λόγον. καὶ ἔστι δευτερολογία, ἔχει δὲ ἃ παρέλιπεν  
 ὁ Εὐκτῆμων.

Οπερ Εὐκτῆμων, ὦ ἄνδρες δικασταί, παθὼν ὑπ’ 593

ἐκ περιστάσεως] ‘owing to a  
 circumstance,’ i.e. τὸ μὴ ποιῆσαι  
 τὰς τριήρεις, as Jerome Wolf ex-  
 plains it.

παραβέβασται] We find πα-  
 ραβεβασμένοις in the pseudo-  
 Demosthenic speech (probably  
 by Hegesippus) περὶ τῶν πρὸς  
 Ἀλέξανδρον συνθηκῶν, p. 214  
 § 12: παραβεβάσθαι, Thucyd. i.  
 123. The aorist form παραβα-  
 θῆναι below is quoted from  
 Thucyd. iii. 67, iv. 123.

ἡνίκα δύο ὥσι] It is hardly  
 worth while to call attention to  
 the omission of ἂν in such poor  
 and late Greek.

§§ 1—3. The prosecutor  
 Diodorus, following Euctemon  
 ‘upon the same side,’ is urged  
 by a like motive of revenge  
 against Androtion, and upon  
 even stronger grounds. *Eucte-*  
*mon has been wronged in purse*  
*and by unmerited dismissal from*  
*office; but I, Diodorus, by a*  
*trumped-up charge of parricide,*  
*which, if sustained, would have*  
*rendered life intolerable to me.*  
*This charge, moreover, was not*  
*brought fairly against me, so as*  
*to be tried on its merits, but in*  
*the indirect form of a prosecution*  
*for impiety against my uncle,*



Ἀνδροτίωνος κακῶς ἅμα τῇ τε πόλει βοηθεῖν οἴεται δεῖν καὶ δίκην ὑπὲρ αὐτοῦ λαβεῖν, τοῦτο καὶ γὰρ πειράσσομαι ποιεῖν, ἐὰν ἄρα οἶός τε ᾧ. συμβέβηκεν δέ, πολλὰ καὶ δεινὰ καὶ παρὰ πάντας τοὺς νόμους Εὐκτήμονος ὑβρισμένου, ἐλάττω ταῦτ' εἶναι τῶν ἐμοὶ γεγενημένων δι' Ἀνδροτίωνος πραγμάτων. οὗτος μὲν γ' εἰς χρήματα καὶ τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν ἐπεβουλεύθη· ἐμὲ δ' οὐδ' ἂν ἐδέξατο τῶν ὄντων ἀνθρώπων οὐδὲ εἰς, εἰ τὰ κατασκευασθένθ' ὑπὸ τούτου παρ' ὑμῶν ἐπιστεύθη. αἰτιασάμενος γάρ με ἃ καὶ λέγειν ἂν ὀκνήσειέν τις, εἰ μὴ τύχοι προσόμοιος ὢν τούτῳ, τὸν πατέρ' ὥς ἀπέκτον' ἐγὼ τὸν ἐμαυτοῦ, καὶ κατα-

for having associated with me, a parricide forsooth! Androtion's attempt failed signally: so far from my being acquitted by a narrow majority, he did not obtain a fifth part of the votes. With your help and that of other enlightened juries, I shall pay him off in his own coin on this and on all possible future occasions. I shall say no more for the present of what is personal to myself: but as to the particular question now awaiting your verdict, and the many acts of the defendant, throughout a long political career, which have been injurious to the public interest, I shall touch briefly on points which Euctemon has omitted.

§ 1. "Ὅπερ Εὐκτήμων—βοηθεῖν οἴεται δεῖν] A blending of two modes of expression (1) ὥσπερ οἴεται δεῖν, (2) ὅπερ ποιῶ οἰόμενος δεῖν. The περ in ὅπερ, as R. W. remarks, gives additional emphasis = 'just as.'—βοηθεῖν 'seek justice for.'

τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν] The Scholiast Ulpian renders this by ἐκβέβληται τῆς ἀρχῆς καὶ τῆς ἀπαιτήσεως τῶν εἰσφορῶν.

So Jerome Wolf (A.D. 1572), 'honore vestro per iniuriam deicere. Hoc loco non significat in exilium eici.' This explanation of the oldest commentators has been rightly recalled by A. Schaefer and Benseler, in place of the traditional 'driven into exile.' The treatment of Euctemon by Androtion is related below § 48, where καταλύσας ψηφίσματι 'having procured a decree for his deposition' (from the office of ἐκλογεὺς) is correlative to ἐκπεσεῖν here, and where there is no mention of banishment. Nor is it necessary to restrict ἐκπίπτειν to that sense, though of course a very common one: it may mean 'to be ejected from property,' as in Pantaen. p. 968 § 6 τῆς μισθώσεως: or 'driven from the stage,' as in the scathing sarcasm of de Cor. p. 315 § 265 ἐτριταγωνίστει, ἐγὼ δ' ἐθεώρουν· ἐξέπιπτες, ἐγὼ δ' ἐσύριττον.

§ 2. καὶ λέγειν ἂν] kân λέγειν, Cobet, Misc. Crit. p. 520. This is one of his Procrustean rules.

κατασκευάσας ἀσεβέας γραφὴν]



σκευάσας ἀσεβείας γραφήν οὐκ ἐπ' ἐμέ, ἀλλ' ἐπὶ τὸν θεῖόν μου, γράψας ἀσεβεῖν ἐμοὶ συνιόντ' εἰς ταῦτον ὡς πεποιηκότι ταῦτα, εἰς ἀγῶνα κατέστησεν, ὃν εἰ συνέβη τόθ' ἰλῶναι, τίς ἂν ἀθλιώτερ' ἐμοῦ πεπονθὼς ἦν ὑπὸ τούτου; τίς γὰρ ἂν ἢ φίλος ἢ ξένος εἰς ταυτό ποτ' ἐλθεῖν ἠθέλησεν ἐμοί; τίς δ' ἂν εἶασε πόλις που παρ' ἑαυτῇ γενέσθαι τὸν τὸ τοιοῦτ'<sup>a</sup> ἀσέβημα 3 δοκοῦντ' εἰργάσθαι; οὐκ ἔστιν οὐδὲ μία. ἐγὼ τοίνυν ταῦτα μὲν οὐ παρὰ μικρὸν ἀγωνιζόμενος παρ' ὑμῖν ἀπελυσάμην, ἀλλ' ὥστε τὸ πέμπτον μέρος μὴ λαβεῖν 594

<sup>a</sup> τὸν τοιοῦτο Bekk.

In a bad sense *κατασκ.* is more frequently applied to *persons*, meaning either (1) to misrepresent, as in 1. Steph. p. 1126 § 82, c. Conon, p. 1261 § 14, or (2) to suborn false witnesses, as c. Callicl. p. 1272 § 1, p. 1281 § 34.

τὸν θεῖόν μου] Certainly not to be identified with Euctemon, as Reiske and Funkhaenel somewhat oddly thought. There is no mention of ἀσέβεια among the charges against Euctemon in § 48.

εἰς ταῦτον ὡς] Dindorf should have followed Bekker and G. H. Schaefer in reading *ταυτὸν ὡς*, avoiding the hiatus. So below τὸ τοιοῦτον ἀσέβημα is a better correction of the MSS. τοιοῦτο or τὸ τοιοῦτο (Σ) than τοιοῦτ' ἀσέβημα. These passages are referred to by Cobet *Nov. Lect.* p. 436, who also corrects in the present speech § 75 τοσοῦτον ἀπέχει for τοσοῦτ' ἀπέχει, in Aristocr. p. 656 § 108 τοσοῦτον ἀπέχουσι, again in Timocr. § 183 τοσοῦτον ἀπέχει. The copyists seem to have fancied that the *ν* in such words was only admissible in poetry.

§ 3. παρὰ μικρὸν] This usage of *παρὰ* is to be distinguished from the common phrase *παρ' ὀλίγον*=*ὀλίγον δεῖν*, *ὀλίγου*, *μικροῦ*, 'within a little.' Two passages cited by Reiske are exactly parallel; Aristocr. p. 688 § 205, *παρὰ τρεῖς μὲν ἀφέισαν ψήφους τὸ μὴ θανάτῳ ζημιῶσαι*: Timocr. § 138 *μικροῦ μὲν ἀπεκτείνετε, χρημάτων δὲ πολλῶν αὐτοῦ ἀντιτιμωμένοι παρ' ὀλίγας ψήφους ἐτιμήσατε* ('accepted the defendant's *ἀντιτίμησις* or counter proposal,' a better reading than *ἡτιμώσατε*, 'inflicted the minor penalty of *Atimia*'). [Add to these instances Hyperid. pro Euxen. col. 39. 2, *καὶ οὗτος ἐν τούτῳ τῷ δικαστηρίῳ παρὰ δύο ψήφους ἀπέφυγε*.] But in further quoting Or. xvii. p. 217 § 22, *ὁ παρ' ἐλάχιστον ἐποίησεν αὐτοὺς ἀφαιρεθῆναι δικαίως τὴν κατὰ θαλατταν ἡγεμονίαν*, he obscures the distinction between the two idioms, 'just hitting,' and 'narrowly missing.' The meaning here is 'by a small majority.'

πέμπτον μέρος] With the usual consequences: Timocr. § 7 *ὥφλε χιλίας* to which would

τούτους τῶν ψήφων· τοῦτον δὲ μεθ' ὑμῶν πειράσομαι καὶ νῦν καὶ τὸν ἄλλον ἵπαντ' ἀμύνεσθαι χρόνον. καὶ περὶ μὲν τῶν ιδίων ἔχων ἔτι πολλὰ λέγειν ἐάσω· περὶ δ' ὧν οἴσεται τὴν ψῆφον νυνὶ καὶ περὶ ὧν οὗτος δημοσίᾳ πεπολιτευμένος οὐκ ὀλίγ' ὑμᾶς ἔβλαψεν, ἅ μοι παραλείπειν Εὐκτῆμων ἐδόκει, βέλτιον δ' ὑμᾶς ἀκοῦσαι, ταῦτα διεξελθεῖν ἐν βραχέσιν πειράσομαι.

+ ἐγὼ γὰρ εἰ μὲν ἐώρων τιν' ἀπλὴν τούτῳ περὶ ὧν φεύγει πρὸς ὑμᾶς οὔσαν ἀπολογία, οὐκ ἂν ἐποιούμην περὶ αὐτῆς<sup>b</sup> μνείαν οὐδεμίαν. νῦν δ' οἶδα σαφῶς ὅτι οὗτος ἀπλοῦν μὲν οὐδὲ δίκαιον οὐδὲν ἂν εἰπεῖν ἔχοι, ἔξαπατᾷ δ' ὑμᾶς πειράσεται πλάττων καὶ παράγων πρὸς ἕκαστα τούτων κακούργους λόγους.

<sup>b</sup> αὐτῶν Bekk. cum r.

be added partial Atimia, viz. disqualification from bringing a similar charge (of ἀσέβεια) in future.

ἀμύνεσθαι] The Greek view of revenge is expressed in Isocr. ad Demon. § 26 ὅμως αἰσχροὺς νόμους τῶν ἐχθρῶν νικᾶσθαι ταῖς κακοποιαῖς καὶ τῶν φίλων ἡττᾶσθαι ταῖς εὐεργεσίαις. Comp. Demosth. c. Nicostr. p. 1246 § 1, with Dr Sandys' notes on both passages. This objectionable feature in Athenian litigation is especially conspicuous in the series of speeches delivered (and some probably composed) by Apollodorus. The climax of repulsiveness is reached in that against Neaera; the speaker demands that a miserable old woman, the reputed wife of his enemy Stephanus, shall be sold as a slave in pursuance of a law which forbade marriage between an Athenian citizen and a foreigner (ἐὰν ἀνδρὶ Ἀθηναίῳ ξένη ξυνοικῇ, πεπρᾶσθαι ταύτην).

δημοσίᾳ] Join with ἔβλαψεν not with πεπολιτευμένος. A man cannot be said πολιτεύεσθαι ἰδίᾳ or δημοσίᾳ.

παραλείπειν...ἐδόκει] παραλείπειν, imperf. infin., is the conjecture of Blass, preferred also by Weil. The common reading παραλιπεῖν would require δοκεῖ.

§ 4. Plan of the speech: conjectural anticipation of A.'s line of defence. *There will be nothing honest or straightforward in his reply: he will just try to deceive you, men of the jury, by dishonest arguments invented to meet the various charges. For he is an artist in speech, having done nothing else during his 30 years of public life* (§ 66).

πλάττων καὶ παράγων] All difficulty is avoided if with Reiske we may translate παράγων 'afferens' and make λόγους the object of both verbs. But this sense of παράγειν (corresponding to a well-known use of παρέρχομαι) seems confined to persons, e.g. de Cor. p. 285

ἔστιν γὰρ, ὧ ἄνδρες Ἀθηναῖοι, τεχνίτης τοῦ λέγειν, καὶ πάντα τὸν βίον ἐσχόλακεν<sup>c</sup> ἐνὶ τούτῳ. ὑπὲρ οὖν τοῦ μὴ παρακρουσθέντας ὑμᾶς ἐναντία μὲν τοῖς ὁμωμοσμένοις πεισθῆναι ψηφίσασθαι, ἀφείναι δὲ τοῦτον ὃν ὑμῖν πολλῶν εἶνεκ' ἄξιον κολάσαι, προσέχετε τὸν νοῦν οἷς ἐρῶ, ἵν' ἀκούσαντες ἐμοῦ πρὸς ἕκαστον τῶν ὑπὸ τούτου ῥηθησομένων ἔχηθ' ὑπολαμβάνειν ἃ δεῖ.

<sup>c</sup> ἐν Bens. cum libris.

§ 170, ἀπήγγειλαν οἱ πρυτάνεις τὰ προσηγγελμένα ἑαυτοῖς καὶ τὸν ἕκοντα παρήγαγον (comp. II. Aristog. p. 805 § 17): and it seems better to supply ὑμᾶς after παράγων with the meaning most frequent in the Orators of 'deceiving, leading astray:' cf. § 34 φενακίζειν καὶ παράγειν. The position of παράγων will then be accounted for, as R. W. has seen, by its coming in as an afterthought. Dobree well compares Nausim. p. 987 § 9 τοῦτο γὰρ πλάττουσιν οὗτοι καὶ παράγουσι, but wished unnecessarily to transpose the verbs here, παράγων καὶ πλάττων. Cobet, Misc. Crit. p. 520, brackets καὶ παράγων as a 'dittographia' of πλάττων.

ἐσχόλακεν ἐνὶ τούτῳ] This correction of Reiske's for ἐν τούτῳ is adopted by almost all recent editors. It cannot indeed be said that σχολάζειν ἐν τινὶ would be inadmissible: we have in Xenophon (Mem. III. 6. 6 and elsewhere) σχολάζειν πρὸς τι, and in later authors, σχ. ἐπὶ, or πρὸς τινι (cf. Liddell and Scott). But Dindorf rightly urges the much greater appropriateness of the simple dative, Lat. *vacare rei*, to 'devote one's time' to anything. Benseler, who alone defends ἐν τούτῳ, thinks the expression more contemptuous,

as if it meant 'he has wasted his time in the pursuit.' I cannot but think this fanciful: σχολάζειν does not imply spending time idly or uselessly, and no cultivated Athenian, least of all Demosthenes, would reckon oratory among the 'studiis ignobilis oti.'

ὁμωμοσμένοις] There is good reason for thinking that the true Attic form is ὁμωμουμένοις. 'The question of the insertion of sigma before the terminations of the perfect passive is one of great difficulty: occasionally verse establishes the true form, as in the case of ὄμνυμι—τοῦτι τὸ πρᾶγμα παντόθεν ξυνομώμοται, Ar. Lysistr. 1007: ὁμώμοται γὰρ ὄρκος ἐκ θεῶν μέγας, Aesch. Agam. 1284. But the untrustworthiness of MSS. is demonstrated by the circumstance that as soon as the support of metre is withdrawn, the sigma appears—εὖ νῦν τόδ' ἴστε, Ζεὺς ὁμώμοσται πατήρ [Eurip.] Rhes. 816. In Demosth. 505. 29 [Lept. § 159] it is only the best manuscript (Paris Σ) which has retained the primitive hand ἐν ἣ γέγραπται καὶ ὁμώμοται.' Rutherford, *New Phrynichus*, p. 97. So ἀληθεύμενος, ἐληλαμένος are well attested. Cf. Timocr. § 175.

ἔχηθ' ὑπολαμβάνειν] Not 'that you may know what to think,'

5 Ἔστι γὰρ εἰς μὲν ὃν οἶεται τεχνικῶς ἔχειν αὐτῷ λόγος περὶ τοῦ ἀπροβουλεύτου. νόμος ἐστὶ, φησίν, εἰς ἀξίως ἢ βουλὴ δοκῇ βουλευῆσαι δωρειᾶς, διδόναι τὸν δῆμον τὴν δωρειὰν αὐτῇ. ταῦτ' ἐπήρετο, φησίν, οὐπιστάτης, διεχειροτόνησεν ὁ δῆμος, ἔδοξεν. οὐδὲν δεῖ, φησί, προβουλεύματος ἐνταῦθα· κατὰ γὰρ νόμον ἦν τὰ γιγνόμενα. ἐγὼ δ' αὐτὸ τοῦναντίον οἶμαι, νομίζω δὲ καὶ ὑμῖν συνδόξειν, περὶ τούτων τὰ προβου-

but 'may be able to give the right answer,' as in §§ 10, 23, 34. Benseler wavers between the two meanings, giving here 'zu wissen, was Ihr davon zu halten habt,' and in § 23 'dann entgegnet ihm nur.'

§§ 5—7. *Androtion will maintain, in the first place (and this argument he thinks an ingenious one for his own case) that the omission of the Probouleuma is not contrary to law in this (exceptional) instance. The law says that if the Senate have discharged their duties in a manner worthy of compliment, the people shall give them a complimentary reward. Well, the chairman put the question; the people voted; it was carried. It was according to law, and therefore there was no need of a Probouleuma. My answer to this is, that the rule of submitting all resolutions to the senate for approval applies to lawful, not to unlawful propositions: for illegal motions are not to be made at all. Secondly, he will argue that his conduct, if not according to law, was at least according to precedent. The senate had never gone through the farce of approving beforehand a compliment to itself. In reply to this, I doubt or rather I deny*

*the fact asserted; but even if it were true, the question is not about the practice; but about the law. The law must be enforced: a beginning must be made; and why not now?*

§ 5. τοῦ ἀπροβουλεύτου] Funkhaenel cites from Bekker's *Anecdota* p. 440 the gloss 'Ἀπροβούλευτον τὸ μὴ πρότερον εἰς τὴν βουλὴν, ἀλλ' εὐθὺς εἰς τὸν δῆμον εἰσαχθέν ψήφισμα. οὕτω Δημοσθένης. The argument which, we must remember, is not Androtion's own, but put into his mouth by the counsel for the prosecution merely in order to be torn to tatters, with a sneer at his fancied admiration of his own cleverness (ὃν οἶεται τεχνικῶς ἔχειν αὐτῷ), appears to be founded on the omission of all reference to a *προβούλευμα* in the letter of the law. To this it is of course a sufficient answer on the technical point, that the sanction of the senate was an invariable prerequisite to any motion before the *Demos*, and did not need to be recited in drafting a law.

ταῦτ' ἐπήρετο] The question put by the *Epistates* was whether the senate deserved the customary reward, not, as G. H. Schaefer thought, 'de argumentis legis.'

λεύματα ἐκφέρειν μόνων, περὶ ὧν κελεύουσιν οἱ νόμοι, 595  
 ἐπεὶ περὶ γ' ὧν μὴ κείνται νόμοι οὐδὲ γράφειν τήν  
 6 ἀρχὴν προσῆκεν οὐδὲ ἐν δήπου. φήσει τοίνυν τοῦ-  
 τον ἀπάσας τὸν τρόπον εἰληφέναι τὰς βουλὰς, ὅσαι  
 πώποτ' ἔχουσι παρ' ὑμῶν δωρεῖαν, καὶ οὐδεμιᾷ γεγε-  
 νῆσθαι προβούλευμα πώποτε. ἐγὼ δ' οἶμαι μὲν οὐχὶ  
 λέγειν αὐτὸν ἀληθῆ<sup>1</sup>, μᾶλλον δ' οἶδα σαφῶς· οὐ μὴν  
 ἀλλ' εἰ τοῦτο τοιοῦτ' ἐστὶν τὰ μάλιστα, ὁ νόμος δὲ  
 λέγει τάναντία, οὐχ, ὅτι πολλάκις ἡμάρτηται δήπου  
 πρότερον, διὰ τοῦτ' ἐπεξαμαρτητέον ἐστὶ καὶ νῦν,  
 ἀλλὰ τούναντίον ἀρκτέον, ὡς ὁ νόμος κελεύει, τὰ τοι-

<sup>1</sup> ἀληθῆ correctus r. ἀλήθειαν ceteri, v. not.

ἐκφέρειν] 'That the movers (τοὺς γράφοντας) bring up their resolutions of the senate:' hence the article before προβουλεύματα.

μὴ κείνται] 'do not apply:' 'upon a question that is not lawfully open,' K. This must be the sense; yet the words merely imply that the laws are silent, not that they prohibit: and we should have expected a stronger phrase. Reiske saw this, and observes; 'Sententia postulat ἀπαγορεύουσιν aut οὐκ ἐῶσιν οἱ νόμοι.'

τὴν ἀρχὴν] 'omnino,' § 32.

§ 6. φήσει τοίνυν] Neither Kennedy nor Benseler express this particle in their translations; it is not inferential but copulative, 'moreover,' and serves to introduce Androtion's second presumed argument—that from custom. Comp. § 8 Περὶ τοίνυν... This must be pronounced the weakest point of the case for the prosecution. With the advocate's instinct of 'admitting nothing,' the orator 'thinks, or rather is certain'—not venturing on an unqualified denial—that

a statement is untrue which must have been within the knowledge of every one of his hearers, and which Androtion would not have dared to make unless it were true.

λέγειν αὐτὸν ἀληθῆ] Benseler observes with reason that neither Demosth. nor any other orator ever says λέγειν ἀλήθειαν, but λέγειν τὴν ἀλήθειαν. The reading ἀληθῆ, retained by Bekker, Benseler, and Cobet *Misc. Crit.* l. c., is supported by the rhetorician Aspinus, ed. Spengel, i. 372 and 375. 'Scribatur αλθῆ' is Cobet's remark, accounting for the two readings.

ἀρκτέον, ὡς ὁ νόμος κελεύει] "This argument is repeated in partly the same words in the *Aristocratea*, p. 653 [§ 98]. It is cited with praise by Quintilian, v. 14, and Aulus Gellius, x. 19. It touches a question which frequently arises, both in courts of judicature and elsewhere, how far and in what manner it is right to punish people for unlawful or vicious practices, which have long been tolerated



7 αὐτα ποιεῖν ἀναγκάζειν ἀπὸ σοῦ πρώτου. σὺ δὲ μὴ λέγ' ὡς γέγονεν τοῦτο πολλάκις, ἀλλ' ὡς οὕτω προσήκει γίνεσθαι. οὐ γὰρ εἴ τι πώποτε μὴ κατὰ τοὺς νόμους ἐπράχθη, σὺ δὲ τοῦτ' ἐμιμήσω, διὰ τοῦτ' ἀποφεύγοις<sup>c</sup> ἂν δικαίως, ἀλλὰ πολλῶ μᾶλλον ἀλίσκοιο· ὥσπερ γὰρ εἴ τις [ἐκείνων] προήλω, σὺ ταῦτ' οὐκ ἂν ἔγραψας, οὕτως, ἂν σὺ δίκην δῶς, ἄλλος οὐ γράψει.

8 Περὶ τοίνυν τοῦ νόμου τοῦ διαρρήδην οὐκ ἐῶντος

<sup>c</sup> ἀποφύγοις vulgo et libri praeter ΣΤΩ.

or connived at. It is urged on the one hand 'how hard it would be that a man should suffer for doing what hundreds had done before him with impunity:' to which it is replied 'we must begin with some one; it is necessary to make an example, else the thing will go on for ever,' and the like." C. R. Kennedy: who further points out that the same line of reasoning occurs in Cic. Verr. II. iii. 88 (205 ff.), and in the Duke's speech in *Measure for Measure*, Act I. sc. 4. The 'other side' might have appealed to the obvious rule of equity, that when the reins of discipline are to be tightened some notice should be given.

§ 7. ἀποφεύγοις] ἀποφύγοις Dind. and most MSS.: but ἀποφεύγοις corresponds better with ἀλίσκοιο following.

§§ 8—11. Androtion's third assumed argument. He will admit that the law expressly forbids the senate to ask for their reward if they have built no ships; but—observe his impudence—he says it nowhere prevents the people from granting it. If he gave it at their request, he admits he has made

an illegal motion: but if, omitting all mention of the ships, he proposes to crown them on other grounds, he denies that there is any illegality in this. To this your answer is an easy one, first that the Proedri and their chairman the Epistates, in putting the question to the people, did what was equivalent to asking. Men who were not asking, or at least expecting something for themselves, should not have put the question at all. Besides, the conduct of the senate was at that very moment being arraigned, and its members besought you not to deprive them of the usual compliment: which again looks very like asking for it. Once more, as I will prove to you, the very wording of the law shows that, when the asking is forbidden, the granting is at least as strongly prohibited. The motive of the law is, that the people may not be misled or deceived.

§ 8. οὐκ ἐῶντος ἐξεῖναι] The expression savours of tautology, but is justified by Funkhaenel from c. Neaer. p. 1381 § 106 καὶ ὕστερον οὐκ ἐᾶ (ὁ ῥήτωρ) γίνεσθαι Ἀθηναίων ἐξεῖναι, and p. 1384 § 113 ἂν ἄδειαν λάβωσι τοῦ ἐξεῖναι. Add II. Steph.



ἐξεῖναι μὴ ποιησαμένη τῇ βουλῇ τὰς τριήρεις αἰτῆσαι  
 τὴν δωρειάν, ἄξιόν ἐστιν ἀκοῦσαι τὴν ἀπολογίαν ἣν  
 ποιήσεται, καὶ θεωρῆσαι τὴν ἀναίδειαν τοῦ τρόπου δι'  
 ὦν ἐγχειρεῖ λέγειν. ὁ νόμος, φησὶν, οὐκ ἐᾷ τὴν βουλήν  
 αἰτῆσαι τὴν δωρειάν, ἐὰν μὴ ποιήσῃται τὰς τριήρεις  
 ὁμολογῶ. δοῦναι δέ γ' οὐδαμοῦ, φησί, κωλύει τὸν δῆμον.  
 ἐγὼ δ' εἰς<sup>ς</sup> μὲν ἔδωκ' αἰτούσῃ, παρὰ τὸν νόμον εἶρηκα·  
 εἰ δὲ μὴ πεποιήμαι μνείαν περὶ τῶν νεῶν ἐν ὄλῳ τῷ  
 ψηφίσματι, ἀλλ' ἕτερ' ἅττα λέγω δι' ἃ τὴν βουλήν  
 9 στεφανῶ, πῶς παρὰ τὸν νόμον εἶρηκα; ἔστι δὴ<sup>h</sup> πρὸς 596  
 ταῦτ' οὐ χαλεπὸν τὰ δίκαια ὑμῖν ἀντειπεῖν, ὅτι πρῶ-  
 τον μὲν οἱ προεδρεύοντες τῆς βουλῆς καὶ ὁ ταῦτ'  
 ἐπιψηφίζων ἐπιστάτης ἡρώτων καὶ διαχειροτονίαν  
 ἐδίδοσαν, ὅτῳ δοκεῖ δωρειᾶς ἀξίως ἢ βουλή βεβουλευ-

<sup>ς</sup> δ' Bens.

<sup>ς</sup> δὴ εἰ Z Dind.

<sup>h</sup> δὲ Z Bekk. *cum libris*.

p. 1132 § 12 οἳ γε νόμοι ἀπαγορεύουσι μὴδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θείναι. AsSchweighaeuser observes (*Lex. Herod. s. v.*) the correlatives *κελεύειν* and *οὐκ ἐᾷν* do not commonly imply authority to 'command' or 'forbid.' They are often used of advice tendered to a superior, and not necessarily accepted, as e.g. by a minister to a despotic prince, a constitutional statesman to the people, or a slave to his master. Herod. v. 36, 3 (Hecataeus to the Milesians) *πρῶτα μὲν οὐκ ἔα πόλεμον βασιλεῖ τῶν Περσῶν ἀναλρεσθαι... ἐπεὶ τε δὲ οὐκ ἔπειθε, δευτέρα συνεβούλευε*. Thucyd. i. 127. 3 (Pericles to the Athenians) *οὐκ εἶα ὑπέκτειν, ἀλλ' εἰς τὸν πόλεμον ὤρμα*. Thucyd. i. 133 (the Argilian slave to Pausanias), *οὐκ ἐὼντος ὀργίζεσθαι*, 'begging him not to be angry.' τοῦ τρόπου] The character of Androtion, as inferred from what

he attempts to urge (δι' ὧν ἐγχειρεῖ λέγειν): not of the argument itself. But below, § 11, τὸν τρόπον τοῦ νόμου is the form or wording of the law, a rather different sense. The coolness of the assumption is increased by the presents *ἐγχειρεῖ* and *φησί*. A. is described as actually saying what it is pretended he *will* say. Cobet, in support of Dobree's conjecture ἐξ ὧν, observes that ἐξ and διὰ are often confounded. *Misc. Crit. l.c.*

εἶρηκα] In the technical sense of λέγειν, 'moved.'

§ 9. οἱ προεδρεύοντες—ἐπιστάτης] See *Dict. Antiq. s. v. Boulé*, p. 311 a. Compare Schoemann, *Antiq. p. 377*; K. F. Hermann, *Staatsalterth. § 127*. Thumser § 87a. Kennedy's 'Committee of Council' is a modernism somewhat too suggestive of ritualist prosecutions and educational minutes.

- κέναι καὶ ὅτῳ μὴ· καίτοι τούς γε μὴ αἰτοῦντας μηδὲ λαβεῖν ἀξιοῦντας [τὴν ἀρχὴν] οὐδ' ἐπερωτᾶν προσήκειν.
- 10 πρὸς τοῖνυν τούτοις ἔστιν ἃ Μειδίου κατηγοροῦντος τῆς βουλῆς καὶ ἄλλων τινῶν, ἀναπηδῶντες οἱ βουλευταὶ ἐδέοντο μὴ σφᾶς ἀφελέσθαι τὴν δωρεαίαν. καὶ ταῦτα οὐ παρ' ἐμοῦ δεῖ πυθέσθαι τοὺς δικάζοντας ὑμᾶς, ἀλλ' αὐτοὶ παρόντες ἴστ' ἐν τῷ δήμῳ γεγόμενα. ὥσθ' ὅταν μὲν μὴ φῇ τὴν βουλὴν αἰτεῖν, ταῦθ' ὑπολαμβάνετε· ὅτι δὲ οὐδὲ τὸν δῆμον ἔᾶ διδόναι μὴ ποιησαμένοις<sup>1</sup> τὰς ναῦς ὁ νόμος, καὶ τοῦτ' ἐπιδείξω.
- 11 διὰ ταῦτα γάρ, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον ἔχει τὸν τρόπον ὁ νόμος, μὴ ἐξεῖναι τῇ βουλῇ μὴ ποιησαμένη

<sup>1</sup> ποιησαμένη Z Bekk, Dind.

μηδὲ λαβεῖν ἀξιοῦντας] 'expecting or claiming to receive,' a phrase evidently designed to meet the legal quibble that they had not *asked*. The senate, like modern waiters, did not 'ask for' but 'expected' the customary 'tip.' With less than his usual point, K. translates 'asked or demanded.' As R. W. remarks, the orator here meets one piece of sophistry by another. The Proedri and Epistates were not responsible for the questions they put to the vote, unless it were that of rehabilitating an *ἄτιμος* (Timocr. § 50): the *γραφὴ παρανόμων* did not lie against them, but against the propounder of the decree.

§ 10. ἔστιν ἃ Μειδίου κατηγοροῦντος] 'When Midias and some others brought certain charges against the senate.' K.'s rendering, 'there were charges preferred,' might mislead the student into thinking that ἔστιν was the principal verb: of course ἔστιν ἃ = *ἐνία*, 'some.' The older commentators puzzled

themselves with the question whether the words καὶ ἄλλων τινῶν were to be joined with Μειδίου or with τῆς βουλῆς: but it is obvious that the senate was the only object of attack. The place of καὶ ἄλλων τινῶν in the sentence may be the result of an afterthought: comp. note on § 4, *πλάττων καὶ παράγων*.

ἀναπηδῶντες] Not 'starting to their feet,' as men might do on hearing themselves attacked without the right of reply, but 'springing upon the Bema' when their turn came to speak. Timocr. § 13 ἀναπηδήσας Ἀνδροτίων καὶ Γλανκέτης καὶ Μελάνωπος... ἐβόων, ἡγανάκτουσιν, ἐχαιδοροῦντο. Aeschin. Ctes. § 173 ἀνεπηδήσεν ἐπὶ τὸ βῆμα. Cf. Timarch. § 71.

τοὺς δικάζοντας ὑμᾶς] 'You jurors,' K.

§ 11. μὴ ἐξεῖναι—τὴν δωρεαίαν] Cobet in his trenchant way brackets these words as a useless repetition from § 8: τοῦτον will then refer, as usual, to what goes before (*Misc. Crit.* p. 520).

τὰς τριήρεις αἰτῆσαι τὴν δωρειάν, ἵνα μηδὲ πεισθῆναι μηδ' ἐξαπατηθῆναι γένοιτ' ἐπὶ τῷ δήμῳ. οὐ γὰρ ᾔετο δεῖν ὁ τιθεὶς τὸν νόμον ἐπὶ τῇ τῶν λεγόντων δυνάμει τὸ πρᾶγμα καταστήσαι, ἀλλ' ὃ δίκαιον ἦν εὐρεῖν ἴμα καὶ συμφέρον τῷ δήμῳ, νόμῳ τετάχθαι. τὰς τριήρεις οὐ πεποίησαι; μὴ τοίνυν αἵτει τὴν δωρειάν. ὅπου δ' αἵτεῖν οὐκ ἔῃ, πῶς οὐ σφόδρα δοῦναί γε<sup>k</sup> κωλύει;

- 12 "Ἀξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, κἀκεῖνο ἐξετάσαι, τί δήποτε, ἂν τᾶλλα πάνθ' ἡ βουλή καλῶς βουλευσῇ καὶ μηδεὶς ἔχῃ μηδὲν ἐγκαλέσαι, τὰς δὲ τριήρεις μὴ ποιήσῃται, οὐκ ἔξεστι λαβεῖν τὴν δω-

<sup>k</sup> γε δοῦναι Z Bekk. Bens. cum ΣΥ.

From a literary point of view this is an improvement; but if we bear in mind that the speech was addressed to a jury, we shall be inclined to give Demosth. credit for repeating himself without verbal tautology.

ἵνα μηδὲ—ἐπὶ τῷ δήμῳ] 'that it may be impossible for the people to be misled or deceived:' πεισθῆναι, like ἀναπεισθῆναι, in a bad sense, persuaded against their better judgment; ἐπὶ τῷ δήμῳ as ἐπὶ τῇ τῶν λεγόντων δυνάμει below, 'in the power of' and so 'depending upon' the intelligence of the people, the ability of the framers of motions.

§§ 12—16. The case of the triremes further considered. Paramount importance of naval supremacy to Athens. It is worth while further to inquire how it comes that, even if the senate have performed all their other duties creditably and no one has any complaint against them, still, if they have not built ships, it is unlawful to ask for

their reward. All that is most glorious in the history of Athens has been achieved at times when our navy was in first-rate condition; all our greatest reverses have arisen from the want of a fleet. To take an example of the former from old times, it was when we had abandoned the city and were cooped up in Salamis that our immortal naval victory delivered not merely ourselves, but the other Greeks. And quite recently we relieved Euboea in three days and forced the Theban invaders of the island to surrender. On the other hand, in the last fatal years of the Peloponnesian war, after the disaster in Sicily we were not forced to surrender until we had lost our fleet at Aegospotami. Nor are later instances wanting. You remember, in our last war with the Lacedaemonians, when it was thought that we were not prepared to send out an expedition, the city was threatened with famine. No sooner had we put to sea than we obtained

ρειάν. εὐρήσετε γὰρ τοῦτο τὸ ἰσχυρὸν ὑπὲρ τοῦ 597  
 δήμου κείμενον. οἶμαι γὰρ ἂν μηδέν' ἀντειπεῖν ὡς  
 οὐχ, ὅσα πρόποτε τῇ πόλει γέγον' ἢ νῦν ἔστ' ἀγάθ' ἢ  
 θάτερα, ἵνα μηδὲν εἴπω φλαῦρον, ἐκ τῆς τῶν τριήρων  
 13 τὰ μὲν κτήσεως, τὰ δ' ἀπουσίας γέγονει. οἷον πολλὰ  
 μὲν ἂν τις ἔχοι λέγειν καὶ παλαιὰ καὶ καινὰ· ἃ δ'  
 οὖν πᾶσιν μάλιστα ἀκοῦσαι γινώριμα, τοῦτο μὲν, εἰ  
 βούλεσθ', οἱ τὰ προπύλαια καὶ τὸν παρθενῶν' οἰκο-

peace on our own terms. You have therefore justly made this an indispensable condition of the senate receiving its reward. Well, in spite of all this, the defendant is fully persuaded that he has the right to move and propose what he pleases, even if no new ships have been built.

§ 12. τοῦτο τὸ ἰσχυρὸν] 'that this stringent enactment is for the people's good.' K.

θάτερα] = κακὰ, by a not uncommon euphemism. Funkhae-nel compares de Cor. p. 269 § 128 καλῶν ἢ μὴ τοιούτων, and p. 298 § 212, where τῶν ὡς ἐτέ-ρωσ συμβάντων is the opposite of τῶν δεόντων. Bentley on Phalaris ch. ix. (*Works*, i. 266 ed. Dyce) quotes δαίμων ἕτερος from Pind. Pyth. v. 62, and Callim. Fragm. 91, but thinks the expression only poetical: for this he is criticised by Valckenaer *Diatr.* p. 112, who refers (among others) to one of these passages in Demosthenes.

ἵνα μηδὲν εἴπω φλαῦρον] The phrase φλαῦρόν τι λέγειν usually means to say something depreciating or disparaging, as in *Lept.* p. 461 § 13 οὐκ οἶδα οὐδὲ λέγω φλαῦρον οὐδὲν οὐδὲ συνοῖδα, p. 488 § 102 οὐδὲν γὰρ φλαῦρον ἐγὼ σε, *Mid.* p. 581 § 208 περὶ ὧν οὐδὲν ἂν εἴποιμι πρὸς ὑμᾶς φλαῦρον ἐγώ. Shilleto

de F. L. p. 427 § 270 = 306 quotes from Photius (p. 650, 19 ed. Porson) the distinction φλαῦρον μὲν ἔστι τὸ μικρὸν κακόν, φαῦλον δὲ τὸ μέγα and proceeds to show that this distinction is not always maintained, since φλαῦρος is used of serious as well as of trifling evils. Comp. Aristocr. p. 651 § 92, Timocr. §§ 127, 158. Here K. rightly translates 'that I may avoid words of evil omen.'

§ 13. πᾶσιν μάλιστα ἀκοῦσαι γινώριμα] 'Familiar to all ears.' Comp. de Synmor. p. 189 § 40 ὥστε καὶ γινώριμα καὶ πιστὰ αὐτῷ τῶν ἀπαγγελλόντων ἀκοῦειν ἔσται. See also Timocr. § 68 πᾶσι γνωρίμως.

εἰ βούλεσθε] 'to take this example,' G. H. Schaefer. The phrase εἰ δὲ βούλει is common in Plato in a sense approaching the present, but with easily distinguishable shades of meaning: see the Editor's note on Protag. 320 A.

οἱ τὰ προπύλαια καὶ τὸν παρθενῶνα οἰκοδομήσαντες] The two great ornaments of Periclean Athens, here ascribed to the men of Salamis, are in reality later by at least a generation. The Parthenon was finished B.C. 438: the Propylaea were then immediately begun, and completed in five years, ending

δομήσαντες ἐκείνοι καὶ τᾶλλ' ἀπὸ τῶν βαρβάρων  
 ἱερὰ κοσμήσαντες, ἐφ' οἷς φιλοτιμοίμεθα πάντες εἰκό-  
 τως. ἴστε<sup>1</sup> δήπου τοῦτο ἀκοῇ, ὅτι τὴν πόλιν ἐκλι-  
 πόντες καὶ κατακλεισθέντες εἰς Σαλαμῖνα, ἐκ τοῦ  
 τριήρεις ἔχειν πάντα μὲν τὰ σφέτερ' αὐτῶν καὶ τὴν  
 πόλιν, τῇ ναυμαχίᾳ νικήσαντες, ἔσωσαν, πολλῶν δὲ  
 καὶ μεγάλων ἀγαθῶν τοῖς ἄλλοις Ἑλλησι κατέστη-  
 σαν αἴτιοι, ὧν οὐδ' ὁ χρόνος τὴν μνήμην ἀφελέσθαι  
 14 δύναται. εἶεν· ἀλλ' ἐκεῖνα μὲν ἀρχαῖα καὶ παλαιά.  
 ἀλλ' ἂ πάντες ἐοράκατ', ἴσθ' ὅτι πρῶην Εὐβοεῦσιν

<sup>1</sup> ἴστε γὰρ Z Bens. cum etc.

about 432, very shortly before the Peloponnesian war.

κατακλεισθέντες] Cobet, *Var. Lect.* p. 159, lays down the rule on the authority of the grammarians that in the older Attic the forms κλῆω etc. (perf. pass. κέκλημαι not κέκλειμαι or κέκλεισμαι) are alone correct. These forms are now completely established in the Tragedians and Thucydides, and are beginning to be recognised in writers of the next generation. Thus Cobet observes that where the best (or as he would say the least bad) MSS. do not give 'certa exempla' they at least show 'manifesta vestigia' of such forms: and Dindorf now corrects everywhere -ῃ- in Aristophanes, e.g. Av. 1262, Ecclesiaz. 355, 420. As to Plato, Thompson decides for 'the so-called Atticists against the MSS.' (Preface to Phaedrus, p. viii, and note on 251 D). So far as I have been able to discover, the variants in the text of Demosth. show no 'clear traces' of the older forms; in 1. Aristog. p. 778 § 28 Bekk. and Dind. read κεκλειμένης (κεκλιμένης Σ), and

so in II. Olynth. p. 22 § 16 κεκλειμένων on slight MS. authority. Cobet would everywhere restore κέκλημαι for κέκλειμαι or -εῖσμαι *in vitis libris*.

οὐδ' ὁ χρόνος] Cobet compares 1. Aristog. p. 799 § 97 ὧν οὐδ' ὁ χρόνος τὴν μνήμην ἠφάνικεν. As he observes, the phrase used is οὐδεὶς χρόνος referring to future time [οὐδεὶς χρόνος ἐξαλείψει etc.], οὐδ' ὁ χρόνος of the past.

§ 14. ἀρχαῖα καὶ παλαιά] παλαιὸς follows ἀρχαῖος in a more or less contemptuous sense, 'trite' or 'timeworn.' But in Lys. c. Andoc. § 51 κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον seems to mean 'the good or time-honoured old custom.'

ἀλλ' ἂ πάντες ἐοράκατ', ἴσθ' ὅτι] Cobet, *Nov. Lect.* p. 228, writes 'reponere ἀλλὰ πάντες et ἐοράκατε excidit,' an emendation which carries with it more probability than many of the critic's ingenious conjectures. The construction thus comes out more simply and neatly. Returning to the point in *Misc. Crit.* p. 521, he adds that ἐοράκατε does not fit well with καὶ Θηβαίους ὑποσπόνδους ἀπεπέμ-



ἡμερῶν τριῶν ἐβοηθήσατε καὶ Θηβαίους ὑποσπόν-  
 δους ἀπεπέμψατε. ἄρ' οὖν ταύτ' ἐπράξατ' ἂν οὕτως  
 ὀξέως, εἰ μὴ ναῦς εἴχετε καινὰς ἐν αἷς ἐβοηθήσατε;  
 ἀλλ' οὐκ ἂν ἠδύνασθε. ἄλλα πόλλ' ἔχοι τις ἂν  
 εἰπεῖν ἂ τῇ πόλει γέγον' ἐκ τοῦ ταύτας κατεσκευά-  
 15 σθαι καλῶς ἀγαθά. εἶεν· ἐκ δὲ τοῦ κακῶς πόσα  
 δεινὰ; τὰ μὲν πόλλ' εἴσω· ἀλλ' ἐπὶ τοῦ Δεκελείκου  
 πολέμου (τῶν γὰρ ἀρχαίων ἔν, ὃ πάντες ἐμοῦ μᾶλλον

ψατε. The form *ἐόρακα*, like *κλήω* for *κλείω*, rests more on the authority of grammatical tradition than of extant MSS.; but there are indications in the latter. See Shilleto's critical notes de F. L. §§ 119, 195, where he notices it as Dindorf's reading but does not follow suit himself. Blass's *ἑωρ.* in this passage appears to be a misprint. Elsewhere throughout these speeches he has *ἐόρακα*.

πρώην Εὐβοεῦσιν ἡμερῶν τριῶν ἐβοηθήσατε] πρώην 'the other day' means here three years before, B.C. 358 (Benseler says 357). This success in Euboea was a bright spot in the otherwise disastrous Social War: the facts are in Grote ch. 86 (vii. 649—651 ed. 1862). Timotheus was commander, but a body of mercenaries under Chares contributed to the Athenian victory (c. Aristocr. p. 678 § 173). Aeschines (Ctes. § 85) allows five days for the landing in Euboea, thirty days for the surrender of the Thebans and complete reduction of the island. 'Yet it seems,' Grote adds, 'not clear that the success was so easy and rapid as the orators are so fond of asserting. However, their boast, often afterwards repeated, [as e.g. Dem. de Cor. p. 259 § 99,] is so far

well founded, that Athens fully accomplished her object, rescued the Euboeans from Thebes, and received the testimonial of their gratitude in the form of a golden wreath dedicated in the Athenian Acropolis.' We shall hear more of this and other golden wreaths in the course of the present speech: see especially § 72. For the genitive of time *ἡμερῶν τριῶν* cf. Madvig, *Synt.* § 66. A good example is Soph. Philoct. 821 τὸν ἄνδρ' εἰοικεν ὕπνος οὐ μακροῦ χρόνον | ἔξεν.

§ 15. ἐπὶ τοῦ Δεκελείκου πολέμου] 'That which Thucydides terms the nineteenth spring of the Peloponnesian war, but which other historians call the beginning of the Dekeleian war.' Grote, ch. 60 *init.* (v. 252), referring to Diod. xiii. 8. The name *Δεκελείκος πόλεμος* occurs de Cor. p. 258 § 96, c. Eubul. p. 1304 § 18; cf. Mid. p. 562 § 146; Isocr. de Pace § 102. The hollow truce called the peace of Nicias now came openly to an end, when the Lacedaemonians fortified Decelea (Thucyd. vii. 18) and continued to harass Athens from it (*ἐπιτεχίζειν*) till the close of the war. It was about 14 miles north of Athens, on an outlying



ἐπίστασθ', ὑπομνήσω) πολλῶν καὶ δεινῶν ἀτυχημάτων συμβάντων τῇ πόλει οὐ πρότερον τῷ πολέμῳ παρέστησαν, πρὶν τὸ ναυτικὸν αὐτῶν ἀπώλετο. 598 καὶ τί δεῖ τὰ παλαιὰ λέγειν; τὸν τελευταῖον γὰρ ἴστε [τὸν] πρὸς Λακεδαιμονίους πόλεμον, ὅτε μὲν ναῦς οὐκ ἐδοκεῖτε ἀποστεῖλαι δυνήσεσθαι, πῶς διέ-

spur of Mount Parnes. At the very moment of this invasion, the Athenians sent out their second great armament under Demosthenes to the siege of Syracuse, and a smaller squadron of 30 triremes under Charicles to annoy the coasts of Peloponnesus.

πολλῶν ἀτυχημάτων] After the disaster in Sicily (B.C. 413, September) the Athenians in spite of revolutions at home (the Four Hundred, 411) still showed a bold front to the coalition, and won the naval victories of Cynossema (411, the last important event recorded by Thucydides, viii. 104), Cyzicus (410), and Arginusae (406). Immediately upon the loss of the fleet without striking a blow at Aegospotami (405), Athens was closely invested by Lysander.

παρέστησαν] 'were reduced to submission.' There does not appear to be another example of this sense: but it answers exactly to the transitive use of παραστήσασθαι, so common in Thucydides and found also in Demosth. (i. Olynth. p. 14 § 18 Ὀλυνθον παραστήσεται), and is noticed by the grammarians. The gloss παρέστησαν ἐνίκησαν in Bekk. *Anecd.* p. 289, 15, found also with the addition of Δημοσθένης in Etym. M. p. 653, 1, is corrected ἐνίκηθησαν. The subject of παρέστησαν, as R. W.

notes, is πολῖται implied in τῇ πόλει.

τὸν πρὸς Λακεδαιμονίους πόλεμον] Sphodrias, the Spartan harmost, made his unjustifiable attempt to seize the Peiræus in time of peace, and the Spartans, on the demand of Athens, brought him to trial for this act of piracy. His condemnation was regarded as certain: but he was unexpectedly acquitted by the influence of Agesilaus. Athens immediately allied herself with Thebes and declared war against Sparta, B.C. 378 (Grote, ch. 77, vii. 89): and the whole period down to the peace of May 371, just before the battle of Leuctra (Grote, p. 145), is here included; no regard being had to the abortive peace of 374, broken off almost as soon as it was made (id. p. 123). As Benseler observes, the Scholiast is wrong in limiting it to the Corcyraean war of 373: for the main incident here alluded to is the naval victory of Chabrias off Naxos, which opened the way for the cornships to reach Athens and averted the danger of famine; and this belongs to the earlier period of the war (September 376). The cornships were waiting at Geraestus in Euboea, afraid to double Cape Sunium while the Saronic Gulf was commanded by the Lacedaemonian fleet. Xen. Hellen. v. iv. 61.

κειθ' ἡ πόλις. ἴστ' ὀρόβους ὄντας ὠνίους. ἐπειδὴ  
 δ' ἀπεστείλατε, εἰρήνης ἐτύχετε ὑποίας τινὸς ἡβού-  
 16 λεσθε. ὥστε δικαίως, ὦ ἄνδρες Ἀθηναῖοι, τηλικαύ-  
 την ἐχουσῶν ῥοπήν ἐφ' ἐκάτερα τῶν τριήρων, τοῦτον  
 ὅρον τεθείκατε τῇ βουλῇ, πότερ' αὐτὴν δεῖ λαβεῖν τὴν  
 δωρειάν ἢ οὔ. εἰ γὰρ πάντα τᾶλλα διοικήσειε<sup>m</sup> καλῶς,  
 δι' αὐτὴν δὲ τό τ' ἐξ ἀρχῆς ταῦτ' ἐκτησάμεθα καὶ νῦν  
 σώζομεν, ταύτας μὴ ποιήσαιο, τὰς τριήρεις λέγω.  
 οὐδὲν ἐκείνων ὄφελος· τὴν γὰρ τῶν ὅλων σωτηρίαν  
 πρῶτον ὑπάρχειν δεῖ παρεσκευασμένην τῷ δήμῳ.  
 οἷτος τοίνυν εἰς τοῦτ' ἐλήλυθε τοῦ νομίζειν αὐτῷ καὶ  
 λέγειν καὶ γράφειν ἐξεῖναι πᾶν ὃ τι ἂν βούληται.  
 ὥστε βεβουλευκυίας μὲν τᾶλλ' ὅν τρόπον ὑμεῖς  
 ἀκούετε τῆς βουλῆς, οὐ πεποιημένης δὲ τὰς τριήρεις,  
 γέγραφεν δοῦναι τὴν δωρειάν.

17 Καὶ ταῦτα μὲν ὡς οὐ παρὰ τὸν νόμον ἐστίν, οὐτ'

<sup>m</sup> διοικήσει Bens. cum ΣΤΩkrs.

ὀρόβους ὄντας ὠνίους] ὀροβος  
 'vetch,' of which another form  
 is ἐρέβ-ινθος 'chick-pea,' con-  
 tains the same root as Lat.  
*ervum*, Germ. *Erbse*. Curtius,  
 Etym. p. 346=1. 429 E. T.—  
 ὠνίους does not imply that they  
 were 'dear,' but simply 'exposed  
 for sale.' G. H. Schaefer. In or-  
 dinary times they were scarcely  
 regarded as human food.

§ 16. ὅρον τεθείκατε] So ὅροι  
 τῶν ἀγαθῶν καὶ κανόνες, 'tests  
 and standards of everything  
 good,' de Cor. p. 324 § 296. A  
 slightly different sense in Mid.  
 p. 548 § 105 ἵνα ὅρον θέμενος  
 παντὶ τρόπῳ με ἀνελείν, 'having  
 but one object in view,' = τέλος.

τὰς τριήρεις λέγω] Cobet again  
 brackets, *Misc. Crit.* p. 521. He  
 will not hear of statements being  
 brought down to the level of the  
 meanest capacity: cf. § 11.

παρασκευασμένην τῷ δήμῳ] 'se-  
 cured for the people' K. And  
 similarly Benseler's version.

εἰς τοῦτ' ἐλήλυθε τοῦ νομίζειν]  
 The genitive after εἰς τοῦτο is  
 much more commonly a sub-  
 stantive than a verb; we say εἰς  
 τοῦτο μανίας, τόλμης, ἀναισχυν-  
 τίας. A parallel instance is how-  
 ever quoted from Plato, *Meno*  
 84 A, Ἐννοεῖς αὖ, ὦ Μένων, οὐ  
 ἔστιν ἤδη βαδίζων ὁδε τοῦ ἀναμι-  
 μνήσκεισθαι, 'what advances  
 he has made in his power of  
 recollection.'

βεβουλευκυίας] as in §§ 5, 9,  
 'discharged its functions.'

§§ 17—20. Anticipation of  
 the defence that the senate was  
 not responsible for the defalcations  
 of its subordinate officer. *I hear however that the defendant  
 will urge that the senate is not  
 to blame, but that the treasurer*

ἂν οὗτος ἔχοι λέγειν οὐθ' ὑμεῖς πεισθείητε· ἀκούω δ' αὐτὸν τοιοῦτον ἐρεῖν τιν' ἐν ὑμῖν λόγον, ὥς οὐχ ἡ βουλή γέγον' αἰτία τοῦ μὴ πεποιῆσθαι τὰς ναῦς, ἀλλ' ὁ τῶν τριηροποιῶν ταμίας ἀποδρὰς ὥχετο ἔχων πένθ' ἡμιτάλαντα, καὶ τὸ πρᾶγμ' ἀτύ-

of the shipbuilders ran away with two talents and a half, and the thing has been a misfortune. To this I reply, first, that it is not usual to reward misfortunes; and further, that he is advancing two pleas which are mutually inconsistent. Androtion is on the horns of a dilemma. If the reward has not been given contrary to law, what need is there of an excuse? By urging an excuse for the senate, he in effect admits that the law has been broken. But on grounds of public policy it is your duty to admit no excuses. If you once begin a system of admitting excuses, you will get nothing done. Once more, I will prove to you that the senate is responsible for the failure to build ships, for the defaulting treasurer was the man of its own choice. If it made a bad choice it must take the consequences.

§ 17. ὁ τῶν τριηροποιῶν ταμίας] Blass has here introduced τριηροποικῶν, a word found in inscriptions. It is true that ταμίαι are more often named in connexion with funds (χρήματα) than with persons; e.g. ταμίαι τῶν τῆς θεοῦ. But we also find such phrases as ταμίαι τῆς θεοῦ, ταμίαι τῆς Ἀθηναῖς (Aristot. Ἀθ. πολ. c. 47), ταμίαι τοῦ δήμου. The alteration seems too arbitrary.

The name τριηροποιοί appears to occur only here, in Aristot. Ἀθ. πολ. c. 46 and Pollux i. 84. The office, however, is clearly

referred to in Aeschin. c. Ctes. § 30; a passage which suggests that they were chosen by the tribes out of candidates nominated by the demes. Demosthenes and Aristotle, on the other hand, imply that the choice rested with the Βουλὴ. We see from the text that the Boulé was responsible for their honesty; and probably they were a committee of the Bouleutae themselves, one for each tribe, though they may have been a subordinate body. They either chose their own treasurer or had one chosen for them by the Boulé, whose responsibility for its delegated authority was thus maintained. See *Dict. Antiq.* s. v. Trieropoei and App. p. 1072 b. The slight mention of them in Hermann (*Staatsalterth.* §§ 126, 161) disappears altogether in the corresponding §§ of Thumser (86, 121).

The office existed at least as early as the Peloponnesian war. In *C. I. A.* i. 77 and 78 we find ΤΡΙΕΡΟΠΟΙΟΙ, with the spelling in use before 403 B.C.

ὥχετο] Equivalent to αἰτιος ἦν ὃς ὥχετο, a condensed expression like the opening words of the speech, ὅπερ Εὐκτῆμων... οἴεται δεῖν. Funkhaenel compares Mid. p. 584 § 218 οὐ γὰρ ἐκ πολιτικῆς αἰτίας, οὐδ' ὥσπερ Ἀριστοφῶν ἀποδοὺς τοὺς στεφάνους ἔλυσσε τὴν προβολήν, ἀλλ' ἐξ ὕβρεως... κρίνεται and Aristocr. p. 688 § 203. For examples

χημα συμβέβηκεν. ἐγὼ δὲ πρῶτον μὲν αὐτὸ τοῦτο θαυμάζω, εἰ στεφανοῦν ἐπὶ τοῖς ἡτυχημένοις ἡξίου τὴν βουλήν· τῶν κατορθομένων γὰρ ἔγωγε ἡγούμην ἔργων τὰς τοιαύτας ὀρίσθαι τιμὰς· ἔπειτα<sup>n</sup> κακῆιν' 18 ἔτι βούλομαι φράσαι πρὸς ἡμᾶς. οὐ φημι δίκαιον εἶναι περὶ ἀμφοῖν λέγειν, καὶ ὥς οὐ παρὰ τὸν 599 νόμον ἢ δωρεὰ δέδοται, καὶ ὥς οὐ διὰ τὴν βουλήν

<sup>n</sup> δὲ *om.* Bens. Bl.

from Plato, see the Editor's note (after Heindorf) on Protag. 341 A.

πένθ' ἡμιτάλαντα] 'Two and a half talents,' as K. has rightly given it in his Argument to this speech: but in his text he translates 'four and a half,' which would be πέμπτον ἡμιτάλαντον. Curiously enough, he has made the same slip in *pro Phorm.* p. 956 § 38, as is there pointed out by Dr Sandys. In so distinguished a scholar such oversights are but an indication of the haste with which he worked.

ἐπὶ τοῖς ἡτυχημένοις] 'for misfortune' K., R. W., 'for this failure' Dobree, which at least does more justice to the article. So Benseler, 'seines Missgeschicks halber.' I hardly think that Androtion is ironically represented as voting a crown to the senate *for* (i.e. because of) their misfortune; and prefer to render 'after such a fiasco,' or 'when they had made such a mess of it.' In other words, ἐπὶ expresses here sequence in time rather than causality: but in § 69 ἐπὶ τούτοις... τεθνάναι the causal notion is more prominent. Paley on Aesch. Pers. 527 ἐπίσταμαι μὲν ὥς ἐπ' ἐξεργασμένοις observes: 'In this expression ἐπὶ does not so much signify *after* or *consequent upon*, as *on* or *with*, i.e. it

refers to the state of affairs at the time of the action.' It would be safer, I think, to say that ἐπὶ may also mean 'on' or 'with.' Demosth. 1. Steph. p. 1126 § 81 Paley himself translates τεθνάναι ἐπ' ἐργασμένοις '[to be put to death] for what you have done.'

ἔπειτα κακῆιν' ἔτι] The grammars lay down the rule that πρῶτον μὲν is usually followed by ἔπειτα without δέ: and I now follow Benseler's reading. He has collected some curious statistics on this point. 'Out of 97 places in Demosthenes where ἔπειτα follows πρῶτον μὲν or πρῶτον, there is only one (Callicles p. 1278 § 22) where *all* MSS. insert δὲ after ἔπειτα, and only two (the present passage and Phae-nipp. p. 1041 § 9) where it is found in *cod. r.*'

§ 18. περὶ ἀμφοῖν] Androtion is made to plead at once 'no excuse needed' (because the law has not been broken) and 'a good excuse' (because the senate in their collective capacity were not to blame). The prosecution contends that he must take his choice between the two lines of defence. In English law it is no uncommon thing to see a claim for debt resisted by pleas both of 'payment' and 'never indebted.'

οὐκ εἰσὶν αἱ τριήρεις. εἰ μὲν γὰρ διδόναι καὶ μὴ  
 ποιησαμένη προσήκει, τί τοῦτο δεῖ λέγειν, δι' ὅντινα  
 δήποτ' οὐ πεποιήνται; εἰ δ' οὐκ ἔξεστι, τί μᾶλλον,  
 ἂν διὰ τὸν δεῖν ἢ τὸν δεῖν ἐπιδείξῃ μὴ πεποιη-  
 19 μένας, ἐκείνη προσῆκε λαβεῖν; χωρὶς δὲ τούτων  
 ἔμοιγε δοκοῦσιν αἵρεσιν ὑμῖν οἱ τοιοῦτοι λόγοι διδόν-  
 ναι, πότερ' οἴεσθε δεῖν προφάσεις καὶ λόγους ἀκούειν  
 τῶν ἀδικούντων ὑμᾶς ἢ ναῦς κεκτῆσθαι. εἰ μὲν γὰρ  
 τούτου ταύτ' ἀποδέξεσθε, ἔσται δῆλον ἀπάσαις ταῖς  
 βουλαῖς ὅτι δεῖ πρόφασιν πιθανὴν ἐξευρεῖν πρὸς  
 ὑμᾶς, οὐχὶ τριήρεις ποιήσασθαι· ἐκ δὲ τούτου τὰ  
 μὲν χρήματα ἀναλωθήσεται, ναῦς δ' οὐχ ἔχετε ὑμεῖς.  
 20 ἔὰν δ', ὡς ὁ νόμος λέγει καὶ δεῖ τοὺς ὁωμοκότας,  
 πικρῶς καὶ ἀπλῶς τὰς μὲν προφάσεις ἀνέλγητε,  
 φανήτε δ' ἀφηρημένοι τὴν δωρεὴν ὅτι τὰς ναῦς οὐ  
 πεποιήνται, πάντες, ὧ ἄνδρες Ἀθηναῖοι, πεποιημένας  
 ὑμῖν παραδώσουσι τὰς τριήρεις, πάντα τᾶλλα παρ'  
 ἱμῖν ἑορακότες ἀσθενέστερα τοῦ νόμου γεγεννημένα.

εἰ δ' οὐκ ἔξεστι] 'If (as is the fact) it is not lawful, why should the senate have received its reward any the more, because Androtion can show that it was owing to this or that person that ships were never built?' εἰ οὐ does not merely present the alternative, as εἰ μὴ would have done, but inclines the balance towards it. The phrase recurs in Timocr. § 53. For προσῆκε, the force of which is preserved in the version above, there is an ill-supported variant προσ-  
 ῆκει, an easier reading doubtless due to a 'corrector.' Cf. § 23 προσῆκεν ἐπαγγέλλειν ἡμῖν.

§ 19. From the legal question the speaker now turns to the public interest, which will be best served by a general rule that

no excuses are to be admitted.

τούτου ταύτ' ἀποδέξεσθε] 'if you are going to stand this from the defendant.' ἀποδέχεσθαι, to accept (1) a statement, and so to 'allow' a man to make it, (2) an opinion, and so to 'agree.' The latter is the almost constant sense in Plato: see on Protag. 324 c, 337 c. Usually with the gen. of the person only: the acc. is added, as here, in 1. Aphob. p. 832 § 59 πῶς ἀποδέξασθαι τι προσήκει τούτων λεγόντων;

§ 20. πικρῶς καὶ ἀπλῶς] 'you proceed sternly and strictly to overrule excuses and let it be seen that you have withheld the reward,' K. ἀπλῶς implies 'standing on nonsense,' 'schlechtweg,' Benseler; 'absolutely,' R. W.



ὅτι τοίνυν οὐδ' αἴτιος ἄλλος οὐδεὶς ἀνθρώπων [ἐστὶ] τοῦ μὴ πεποιῆσθαι τὰς ναῦς, τοῦτο σαφῶς ὑμῖν ἐπιδείξω· ἀνελοῦσα γὰρ [ἡ βουλὴ] τὸν νόμον, τοῦτον ἐχειροτόνησεν αὐτῇ°.

° αὐτὴν Bekk. Dind.

ἀνελοῦσα γὰρ ἡ βουλὴ] The difficulty of this passage was felt in ancient times. Harpocration and the writer in Bekk. *Anecd.* p. 397 both notice the various readings αὐτῇ and αὐτήν, the former further suspecting that some words have been lost (ἀσαφῶς δ' αὐτοῦ ἔχοντος καὶ ἐλλειπῶς, ἄλλοι ἄλλως ἐξηγοῦνται). The Scholiast Ulpian also points out that τοῦτον may be joined with τὸν νόμον, or taken separately; and explains ἐχειροτόνησε by ἐστεφάνωσε. We are thus led to two main lines of interpretation. G. H. Schaefer, reading αὐτήν, explains as follows: 'The senate, when it set aside this law (that the crown was dependent on its having built ships as well as discharged other duties) voted itself guilty. Its conduct was a proof, as the speaker says just before, that it was αἴτιος τοῦ μὴ πεποιῆσθαι τὰς ναῦς, for otherwise it would have laid the blame upon the really guilty person (the treasurer). This is, in the main, the view of Funkhaenel, of Martin Mohr in a programme (Colon. 1845) specially devoted to this passage, of Dindorf, and of Kennedy in his translation and notes: and they mostly agree in Schaefer's suggestion to read αὐτῇ αὐτήν. But χειροτονεῖν can hardly mean either to vote itself guilty or to vote itself the crown, as the Scholiast took it: and there is something forced in the whole

sense of the passage thus understood, hardly in keeping with σαφῶς ἐπιδείξω. The other explanation adopts the reading αὐτῇ, for which there is good MS. authority, and separates τοῦτον from τὸν νόμον. Benseler, partly following some of the older commentators, translates thus: 'The senate (council), which made the law null and void, chose this man (the treasurer) for itself.' In other words, 'I will prove to you the responsibility of the senate: for this very senate which acted thus illegally had (previously) chosen the defaulter for its treasurer (and so was liable for his malversation).' This at least preserves the usual meaning of χειροτονεῖν, and is certainly preferable to the alternative rendering, though not, I think, free from difficulty: the proper Greek for 'Der Rath, der das Gesetz null und nichtig machte' (Benseler's version), would be ἡ βουλὴ ἡ ἀνελοῦσα τὸν νόμον. The Scholiast and Jerome Wolf explained τοῦτον ἐχειροτόνησεν αὐτῇ 'chose Androton for its champion': Jurinus was the first to refer τοῦτον to the treasurer. The Zurich editors, in deserting their favourite Σ, appear to have interpreted the passage in much the same way as Benseler; Kennedy and Whiston both think it corrupt: as does Cobet, *Misc. Crit.* p. 522, who suspects an extensive lacuna.



21 "Ἐτι τοίνυν ἐπιχειρεῖ λέγειν περὶ τοῦ τῆς ἐταιρήσεως νόμου, ὥς ὑβρίζομεν ἡμεῖς καὶ βλασφημίας οὐχὶ προσηκούσας κατ' αὐτοῦ ποιούμεθα. καὶ φησὶ δεῖν ἡμᾶς, εἴπερ ἐπιστεύομεν εἶναι ταύτ' ἀληθῆ, πρὸς τοὺς θεσμοθέτας ἀπαντᾶν, ἵν' ἐκεῖ περὶ χιλίων ἐκινδυνεύομεν, εἰ καταψευδόμενοι ταύτ' ἐφαινόμεθα· νῦν

§§ 21—24. Androtion's expected defence to the charge of profligacy. *He will say that all this is mere insult and calumny: that if we believed in the truth of the charges we ought to have raised the question directly by an impeachment for immorality, so as to risk a thousand drachmas in case we were proved to be false accusers. We reply on both points: first, we do not merely accuse, we are prepared to prove. Proof must in some cases rest upon circumstantial evidence, or upon probabilities, not on ocular demonstration, but ours is not one of these cases; we have a witness furnished with documentary evidence and who has made himself responsible for his testimony. And secondly, we mean to bring such an impeachment in due course; but we are within our rights in now referring to the law. For the question is predominantly one of illegality: and we show, with perfect propriety, that you have not only moved an unlawful decree, but led an unlawful life.*

§ 21. τοῦ τῆς ἐταιρήσεως νόμου] As Androtion was undoubtedly acquitted (Timocr. § 8), we may hope that this odious charge was without foundation. Aeschines procured the condemnation of Timarchus on a γραφή ἐταιρήσεως, and so 'put out of the way' (ἀνῆρκε, Demosth. F. L. § 2) one of his

principal accusers in the matter of the Embassy. The substance of the law is given in Timarch. §§ 19, 20, and what professes to be the text of it, really compiled from the two preceding sections, in § 21. As regards the penalty, the orator's vague expression τὰ μέγιστα ἐπιτίμια ἐπέθηκεν is there particularised into θανάτῳ ζημιούσθω. Timarchus, however, seems only to have been disfranchised (Demosth. F. L. p. 423 § 257—291; cf. Aeschin. c. Tim. § 134). That such cases belonged to the jurisdiction of the Thesmothetae we know only from the present passage. It is to be observed that the action did not lie against the exercise of public functions, political or religious, by those who had been guilty of it. Cf. *Dict. Antiq.* s. v. Hetaireseos Graphé.

ἵν' ἐκεῖ περὶ χιλίων ἐκινδυνεύομεν] For the final conjunctions ἵνα, ὥς, ὅπως with past tenses of the indicative, see Madvig's *Synt.* § 131: Goodwin, *Moods and Tenses*, § 44, 3: and a note on Protag. 335 c. So below § 28 ἵν' ἐκινδυνεύεις περὶ χιλίων. Timocr. § 48 ἵν' ἐδόκει. On this penalty for frivolous prosecutions, compare further § 26 ἀπαγε· ἐν χιλίαις ὃ' ὁ κίνδυνος and note on τὸ πέμπτον μέρος, above § 3.—ἐκεῖ = in that court, before the Thesmothetae.

δὲ φενακίζειν αἰτίας καὶ λοιδορίας κενὰς ποιουμένους, 600  
 22 καὶ ἐνοχλεῖν οὐ δικασταῖς τούτων οὖσιν ὑμῖν. ἐγὼ  
 δ' οἶμαι δεῖν ὑμᾶς πρῶτον μὲν ἐκεῖνο λογίεσθαι  
 παρ' ὑμῖν αὐτοῖς, ὅτι πάμπολυ λοιδορία τε καὶ  
 αἰτία κεχωρισμένον ἐστὶν ἐλέγχον. αἰτία μὲν γάρ  
 ἐστίν, ὅταν τις ψιλῶ χρησάμενος λόγῳ μὴ παρά-  
 σχηται πίστιν ὧν λέγει, ἐλέγχος δέ, ὅταν εἴπῃ τις  
 καὶ τάληθές ὁμοῦ δείξῃ. ἔστι τοίνυν ἀνάγκη τοὺς  
 ἐλέγχοντας ἢ τεκμήρια δεικνύναι, δι' ὧν ἐμφανιοῦσι  
 τὸ πιστὸν ὑμῖν, ἢ τὰ εἰκότα φράζειν, ἢ μάρτυρας  
 παρέχεσθαι. οὐ γὰρ οἶόν τ' ἐνίων αὐτόπτας ἢ ἐστὶ  
 καταστήσαι, ἀλλ' ἂν ἐπιδεικνύῃ τίς τι τούτων,

ἢ ὑμᾶς add. Bekk. Dind. cum ceteris praeter Σ.

ἐφανόμεθα] Joined to a parti-  
 ciple, should be translated 'were  
 proved to be' false accusers:  
 not 'were thought,' or 'appear-  
 ed.'

§ 22. πρῶτον μὲν] Introduc-  
 ing the answer to Androtion's  
 first objection, that there was  
 no foundation for these charges.  
 The corresponding ἔπειτα, as  
 G. H. Schaefer notices, is im-  
 plied in ὅταν δ' ὅτι πρὸς τοὺς  
 θεσμοθέτας προσῆκεν ἐπαγγέλ-  
 λειν, the transition to his se-  
 cond objection.

ὅταν τις ψιλῶ χρησάμενος λό-  
 γῳ] 'When a man makes a  
 bare statement without furnish-  
 ing any grounds for believing  
 him:' 1. Aphob. p. 830 § 54  
 ψιλῶ λόγῳ χρησάμενος ὡς πιστευ-  
 θησόμενος δι' ἐκείνων. So in Plat.  
 Phaedr. 262 c ψιλῶς πῶς λέγο-  
 μεν, οὐκ ἔχοντες ἱκανὰ παραδείγ-  
 ματα, where Thompson gives  
 other meanings of ψιλὸς λόγος  
 in Plato, e.g. Theaet. 165 A ψι-  
 λῶν λόγων = abstract dialectics,  
 but in Laws II. 669 D λόγοι  
 ψιλοὶ are 'prose,' as distin-

guished from metrical compo-  
 sition.

πίστιν ὧν λέγει] πίστιν is  
 here any sort of proof or evi-  
 dence, including τεκμήρια, εἰκό-  
 τα, μάρτυρας, and distinct from  
 τὸ πιστὸν below = 'credibility.'  
 Demosthenes' τεκμήριον, 'circum-  
 stantial evidence,' is of course  
 quite different from Aristotle's  
 'certain or necessary sign' (Rhet.  
 I. 2 § 16, with Cope's *Introduc-*  
*tion*, p. 161). For εἰκότα, com-  
 pare Cic. de Inv. I. 29 (46):  
 Probabile autem est id, quod  
 fere solet fieri, aut quod in opi-  
 nione positum est, aut quod  
 habet in se ad haec quandam  
 similitudinem, sive id falsum  
 est sive verum.

αὐτόπτας ἐστὶ καταστήσαι]  
 This is certainly one of the  
 places where MS. Σ alone out-  
 weighs the authority of all  
 the rest. To say that in some  
 cases the jury could not be  
 made eye-witnesses is little  
 better than nonsense: the mean-  
 ing of course is, that in some  
 cases (he might have said πολ-

ικανὸν νομίζετ' ἔλεγχον ἔχειν ὑμεῖς εἰκότως τῆς ἀλη-  
 23 θείας ἐκάστοτε. ἡμεῖς τοίνυν οὐκ ἐκ λόγων εἰκότων  
 οὐδὲ<sup>α</sup> τεκμηρίων, ἀλλὰ παρ' οὗ μάλιστα δίκην ἔστι  
 λαβεῖν [τούτῳ], τοῦτ' ἐπιδείκνυμεν, ἄνδρα παρεσχη-  
 κότα γραμματεῖον, ἐν ᾧ τὰ τούτῳ βεβιωμέν' ἔνεστιν,  
 ὃς αὐτὸν ὑπεύθυνον ποιήσας μαρτυρεῖ ταῦτα. ὥσθ'  
 ὅταν μὲν λαιδορίαν ταῦτα καὶ αἰτίαν εἶναι φῇ, ὑπο-  
 λαμβάνεθ' ὡς ταῦτα μὲν ἔστιν ἔλεγχος, ἃ δ' οὗτος  
 ποιεῖ, ταῦτα λαιδορία καὶ αἰτία· ὅταν δ' ὅτι πρὸς  
 τοὺς θεσμοθέτας προσῆκεν ἐπαγγέλλειν ἡμῖν, ἐκείνο  
 ὑπολαμβάνετε, ὅτι καὶ τοῦτο ποιήσομεν καὶ νῦν

<sup>α</sup> οὐδ' ἐκ Z Bekk. cum libris praeter Σ.

λῶν for ἐνίων) ocular demonstra-  
 tion is altogether impossible.

§ 23. δίκην ἔστι λαβεῖν τούτῳ] The argument here is well illus-  
 trated by Arist. Rhet. I. 15  
 § 17. The side which has εἰκότα  
 but no witnesses is there recom-  
 mended to urge that probabili-  
 ties cannot be bribed to deceive  
 the judges, or convicted of false  
 witness (ψευδομαρτυριῶν): the  
 side which has witnesses, while  
 the other side has not, to argue  
 that probabilities are not res-  
 ponsible (liable to trial and  
 penalty) like witnesses, and  
 therefore less to be trusted (ἐ-  
 χοντι δὲ πρὸς μὴ ἔχοντα, ὅτι οὐχ  
 ὑπὸ δίκῃ τὰ εἰκότα, καὶ ὅτι οὐδὲν  
 ἂν ἔδει μαρτυριῶν, εἰ τὰ εἰκότα  
 ἱκανὸν ἦν θεωρῆσαι). Diodorus  
 has a witness, ὃς αὐτὸν ὑπεύθυνον  
 ποιήσας μαρτυρεῖ ταῦτα, i.e. is  
 liable to a γραφή ψευδομαρτυ-  
 ριῶν. Cross-examination, in the  
 modern sense, was little prac-  
 tised in the Athenian courts:  
 written evidence (γραμματεῖον  
 here) was preferred to oral.

ἄνδρα παρεσχηκότα γραμματεῖ-  
 ον] The construction here is

scarcely grammatical, and Bek-  
 ker, with the proviso 'si quid  
 mutandum,' suggests ἀνδρὸς παρ-  
 εσχηκότος. But G. H. Schaefer  
 well observes, in a note which  
 contains a lesson often needed  
 by conjectural critics: 'Viden-  
 dum tamen ne hoc pacto non  
 librariorum sed ipsum scriptorem  
 corrigamus, qui fortasse haec  
 verba, quum referre deberet ad  
 παρ' οὗ, rettulit ad verbum  
 proxime antecedens ἐπιδείκνυ-  
 μεν' cuiusmodi inflexiones con-  
 structionis notandae, non cor-  
 rigendae videntur.'

ἃ δ' οὗτος ποιεῖ] To be under-  
 stood, I think, of A.'s charges  
 against Euctemon and Diodo-  
 rus; not, with Reiske and Din-  
 dorf, of his repelling the accu-  
 sations against himself. The  
 latter could hardly be called  
 λαιδορία καὶ αἰτία.

προσῆκεν ἐπαγγέλλειν] 'We  
 ought to have proceeded by way  
 of denunciation' (ἐπαγγελία  
 § 29).

προσηκόντως περὶ τοῦ νόμου]  
 'That we are properly referring  
 to the law' against ἐταίρησις.

24 προσηκόντως περὶ τοῦ νόμου λέγομεν. εἰ μὲν γὰρ ἄλλον τινὰ ἀγῶν' ἀγωνιζομένου σου ταῦτα κατηγοροῦμεν, δικαίως ἂν ἡγανάκτεις· εἰ δ' ὁ μὲν νῦν ἐνεστηκὼς ἀγῶν ἐστὶ παρανόμων, οἱ νόμοι δ' οὐκ ἔωσι λέγειν οὐδὲ τὰ ἔννομα τοὺς οὕτω βεβιωκότας, ἡμεῖς δ' ἐπιδείκνυμεν οὐ μόνον εἰρηκότ' αὐτὸν παράνομα, ἀλλὰ καὶ βεβιωκότα [παρανόμως], πῶς οὐχὶ 601 προσήκει λέγειν περὶ τούτου τοῦ νόμου, δι' οὗ ταῦτ' ἐλέγχεται;

25 Καὶ μὴν κακεῖνό γε δεῖ μαθεῖν ὑμᾶς, ὅτι τοὺς νόμους ὁ τιθεὶς τούτους Σόλων καὶ τῶν ἄλλων τοὺς πολλούς, οὐδὲν ὅμοιος ὢν τούτῳ [νομοθέτης], οὐχ ἓν ἔδωκε<sup>†</sup> τρόπον περὶ τῶν ἀδικημάτων ἐκάστων λαμβάνειν δίκην τοῖς βουλομένοις παρὰ τῶν ἀδικούντων, ἀλλὰ πολλαχῶς. ἥδει γάρ, οἶμαι, τοῦθ', ὅτι τοὺς

<sup>†</sup> δέδωκε Bens. cum Ωkst et edd. vett.

§ 24. εἰ—οὐκ ἔωσι] οὐκ ἔαν is a single notion=ἀπαγορεύειν, and therefore οὐ regularly follows εἰ. Comp. on § 18 εἰ δ' οὐκ ἔξεστι.

ταῦτα] 'This criminality' of Androtion's.

§§ 25—29. But once more, that we ought to have proceeded against him in one way, and not in another, is contrary to the whole spirit of Athenian legislation. The law allows a variety of remedies for every sort of wrong: some by criminal prosecution, others again by way of civil action; and this because men vary so much in their power of taking care of themselves. Take, for example, the different modes of redress open to a man who has been robbed; or the various ways of prosecuting in

a case of impiety. It is for the accused to prove his innocence, not to dictate the mode of procedure against him. In like manner, Androtion, don't imagine that you are to escape punishment because we have brought a γραφὴ παρανόμων when we might have laid an ἐπαγγελία: if we forbear to prosecute you in all the ways which the laws allow, be thankful to us for those we omit.

§ 25. ὁ τιθεὶς] An imperfect participle, as is shown by ἔδωκε and ἥδει following.

οὐδὲν ὅμοιος ὢν τούτῳ νομοθέτης] This sarcasm recurs Timocr. §§ 103, 106. Comp. below § 73, *fin.* ὅμοιόν γε, οὐ γάρ; i. Steph. p. 1118 § 56 ὁμοιός γε ὁ Δεῖνλας.

ἐν τῇ πόλει πάντας ὁμοίους<sup>s</sup> γενέσθαι ἢ δεινούς ἢ θρασεῖς ἢ μετρίους οὐκ ἂν εἴη. εἰ μὲν οὖν, ὡς τοῖς μετρίοις δίκην ἐξαρκέσει λαβεῖν, οὕτω τοὺς νόμους θήσει, μετ' ἀδείας ἔσεσθαι πολλοὺς πονηροὺς ἡγήετο, εἰ δ' ὡς τοῖς θρασέσι καὶ δυνατοῖς λέγειν, τοὺς ἰδιώτας οὐ δυνήσεσθαι τὸν αὐτὸν τούτοις τρόπον  
26 λαμβάνειν δίκην. δεῖν δ' ᾤετο μηδέν' ἀποστερεῖσθαι

<sup>s</sup> ὁμοίως Bens. Dind.

δεινούς] 'Clever,' = δυνατοῖς λέγειν, below: joined with θρασὺς also in § 31. Comp. the fuller expression οὕτως ὧν θρασὺς καὶ λέγειν δεινός, § 66. In all these passages we have καὶ, not ἢ: and Cobet approves of Dobree's conjecture ὁμοίως δεινούς καὶ θρασεῖς, omitting ἢ μετρίους. In Eurip. Bacch. 270-1, θρασὺς δὲ δυνατὸς καὶ λέγειν οἷός τ' ἀνὴρ, δυνατὸς can hardly be anything but a gloss on οἷός τε: and Badham ingeniously conjectures θρασὺς δ' ἐν ἀστοῖς. Plato is fond of joining σοφὸς καὶ δεινός: see on Protag. 341 B. Opposed to δεινούς ἢ θρασεῖς, μέτριος includes both intellect, 'simple, unsophisticated,' and temper, 'quiet, well-behaved.' On ἰδιώτης, 'the layman,' as distinguished from the member of a learned profession or the specialist (ἐπαῖων), here of course the man unversed in public speaking, opposed to δυνατοὺς λέγειν, cf. Protag. 312B, Thompson on Gorg. 455 B.

§ 26. A *locus classicus* on Attic procedure in case of felony (κακούργια), deserving a careful comparison with the νόμοι κλοπῆς κ.τ.λ. in Timocr. § 105, and the orator's account in the same speech, §§ 113, 114. It is to be observed, however, that

the first-named passage as an 'inserted document' is greatly inferior in authority to the words of Demosthenes himself in the two latter §§. Compare *Dict. Antiq.* s.v. Clopes Diké.

The democratic spirit of Athenian legislation aimed at effecting a real equality of rich and poor before the law, by the variety of remedies it provided against the wrong-doer; and further, as we learn from the present passage, sought to neutralise the advantages of bodily strength, pugnacity and readiness of speech.

We find here (1) ἀπαγωγή, (2) ἐφήγησις, (3) γραφή or public indictment, (4) δίκη or a private suit for restitution of the stolen goods with compensation. To these might have been added ἐνδειξις which, though properly an 'information' against one who, being ἄτιμος, obtained an office or usurped a right from which he was disqualified, was likewise used in a more general sense (cf. Schoemann, *Assemblies*, p. 177). For fuller details the student is necessarily referred to *Dict. Antiq.* s. vv.; we may here indicate the main distinctions between these several processes. In ἀπαγωγή the com-



τοῦ δίκης τυχεῖν, ὥς ἕκαστος δύναται. πῶς οὖν ἔσται τοῦτο; ἐὰν πολλὰς ὁδοὺς δῶ διὰ τῶν νόμων ἐπὶ τοὺς ἡδικοκότας, οἷον τῆς κλοπῆς. ἔρρωσαι καὶ σαυτῷ πιστεύεις· ἅπαγ', ἐν χιλίαις δ' ὁ κίνδυνος. ἀσθενέστερος εἶ· τοῖς ἄρχουσιν ἐφηγοῦ· τοῦτο ποιή-  
 27 σουσιν ἐκεῖνοι. φοβεῖ καὶ τοῦτο· γράφον. κατα-  
 μέμφει σεαυτὸν καὶ πένης ὢν οὐκ ἂν ἔχοις χιλίας ἐκτεῖσαι· δικάζου κλοπῆς πρὸς διαιτητὴν, καὶ οὐ

plainant took upon himself the responsibility of the arrest without previous legal steps, and incurred the risk of resistance and of forfeiting 1000 drachmas. In ἐφήγησις the proceedings were still summary, though less so than in the former case: the prosecutor applied first to the magistrate and conducted him and his officers to the spot where the capture was to be effected. In ἔνδειξις a written information (also called ἔνδειξις) was laid before the magistrate, whose duty it then became to arrest or hold to bail the accused.

The δίκη or private action was not necessarily before a Diaetetes as in the text; it might also be before a court (*Dict. Antiq.* s.v.).

τοῖς ἄρχουσιν ἐφηγοῦ] According to the usual meaning of ἡγεῖσθαι with a dative, 'guide' the magistrates' or 'show them the way' to the spot. The term ἄρχων is not limited to the nine: ἐφήγησις might be carried out by the Thesmothetae, or still more frequently by the Eleven (οἱ ἐπρόκομοι).

§ 27. καταμέμφει σεαυτὸν] The sense of 'blaming' or 'finding fault with' passes into that of 'distrusting' or 'feeling a want of confidence.' So in the

youthful oration iii. Aphob. p. 844 § 1 he says κατώκουν ἀντὴν ἐμαντοῦ καταμεμφόμενος ἡλικίαν. In Eurip. Hec. 885, 1184 the simple verb μέφομαι bears the same meaning: but in Hel. 31 Ἥρα δὲ μεμφθεῖς οὐνεκ' οὐ νικᾷ θεὰς it is 'dissatisfied, disappointed,' a somewhat different sense.

διαιτητὴν] In a δίκη κλοπῆς only the public arbitrators appointed by lot (κληρωτοὶ) can be intended: the private arbitrators chosen by mutual agreement between the parties (αἵρετοὶ), and implying a more or less friendly suit, are not to be thought of. On the whole subject of the Diaetetae see *Dict. Antiq.* s.v. The question of their number still remains doubtful, notwithstanding recent discussions. If, as is most likely, all who had completed 59 years served as διαιτηταὶ for one year, their sixtieth, it would be indefinite, like the number of Areopagites. Cf. Aristot. 'Αθ. πολ. c. 53 § 4, with Sandys' note; *Dict. Antiq.* Appendix s.vv. Diaetetae, Eponymii.

τῆς ἀσεβείας] The list here given does not exhaust all the forms of prosecution for this offence. Besides ἀπαγωγή and ἀσεβείας γραφή, the accuser might proceed by ἔνδειξις (Andoc.



κινδυνεύσεις. <sup>†</sup>τούτων οὐδέν ἐστι ταυτό. τῆς ἀσεβείας κατὰ ταῦτ' ἔστιν ἀπάγειν, γράφεσθαι, δικάζεσθαι πρὸς Εὐμολπίδας, φαίνειν<sup>ν</sup> πρὸς τὸν βασιλέα. περὶ τῶν ἄλλων ἀπάντων τὸν αὐτὸν τρόπον σχεδόν.  
 28 εἰ δὴ τις ὡς μὲν οὐχὶ κακοῦργός ἐστι μὴ λέγοι, ἢ ὡς 602 οὐκ ἀσεβής, ἢ ὅ τι δῆποτ' εἴη δ' ὃ κρίναιτο, διὰ ταῦτα δ' ἐκφεύγειν ἀξιοίη, εἰ μὲν ἀπηγμένος εἴη, διότι πρὸς διαιτητὴν ἐξῆν αὐτῷ λαχεῖν καὶ γράφεσθαι χρῆν, εἰ

<sup>†</sup> Z Bekk. [οὐδέτερον βούλει τούτων; γράφου. κατοκνεῖς καὶ ταύτην; ἐφηγοῦ] *cum libris*.

<sup>ν</sup> Ita Bl. *e conl.* Weillii: φράζειν *cett.*

de Myst. § 8 and *passim*), προβολή (Liban. Argum. Mid. p. 509), or εἰσαγγελία (Andoc. de Myst. § 43). Of the latter class was the indictment of Alcibiades, preserved by Plutarch Alcib. 22 (εἰσαγγεῖλεν): compare Grote ch. 58 (v. 183). The two other courses, δικάζεσθαι πρὸς Εὐμολπίδας and φράζειν πρὸς τὸν βασιλέα, are mentioned only in the present passage. It may safely be assumed that the latter was a device, like those just referred to in the case of κλοπή, for the protection of the diffident accuser: by denouncing an act of impiety to the king-archon, he might escape responsibility for himself, and leave it to that magistrate to take up the charge or not. Funkhaenel (*Prolegom.* p. 27) seems right in explaining φράζειν as a *delatio* merely, not, with Meier, as an *actio*: the correction is accepted by Lipsius, p. 349, but there does not appear to be any other example of φράζειν, φράσις in the legal sense of φαίνειν, φάσις: and Weil's correction (based on a hint in the Schol.) is undoubtedly right. It is clear also that δικάζεσθαι

πρὸς Εὐμολπίδας applied to the profanation of the Eleusinian mysteries, of which the family of the Eumolpidae were hereditary guardians. Caillemer further conjectures that the action of the Eumolpidae was confined to 'spiritual censures' (des peines religieuses, telles que l'exclusion des mystères ou la privation du titre d'initié, sans influer sur l'état civil et politique du coupable); and that the other sacred family, the Kerykes, possessed the same authority (ap. Daremberg and Saglio, s.v. Asebeias Graphé). That the two processes might become practically identical appears from a scholium quoted by Dindorf: ὁ γὰρ βασιλεὺς ἐπεμελεῖτο τῶν ἱερῶν πραγμάτων καὶ ἐπῆγε τὰς τῆς ἀσεβείας γραφὰς πρὸς τοὺς Εὐμολπίδας. An important passage on the Eumolpidae is Lys. c. Andoc. § 10: the laws, of which they were the ἐξηγηταὶ or expounders, were unwritten, and of immemorial antiquity.

§ 28. πρὸς διαιτητὴν—λαχεῖν] sc. δίκην, expressed in Neaer. p. 1378 § 98 οἱ Πλαταιεῖς λαγχάνουσι δίκην τοῖς Λακεδαιμονίοις

δὲ πρὸς δαιτητῇ φεύγοι, ὅτι χρῆν σ' ἀπάγειν, ἵν' ἐκινδύνευσεν περὶ χιλιῶν, γέλως ἂν εἴη δήπουθεν. οὐ γὰρ τον γε μηδὲν πεποιηκότα δεῖ περὶ τοῦ τρόπου ὄντινα χρῆ διδόναι δίκην ἀντιλέγειν, ἀλλ' ὥς οὐ πε-  
 29 ποίηκεν ἐπιδεικνύται. τὸν αὐτὸν δὲ τρόπον, Ἀνδρο-  
 τίῳν, καὶ σὺ μὴ διὰ ταῦτ' οἴου σοι προσήκειν μὴ διδόναι δίκην. εἰ γράφεις ἡταιρηκῶς, ὅτι καὶ πρὸς τοὺς θεσμοθέτας ἔσθ' ἡμῖν ἐπαγγελία· ἀλλ' ἢ δεῖξον οὐ πεποιηκότα ταῦτα σαντόν, ἢ δίκην ὑπεχ' ὧν γέγρα-  
 φάς τι τοιοῦτος ὧν· οὐ γὰρ ἔξεστί σοι. εἰ δέ σε μὴ πάντας ὕσουσ' οἱ νόμοι διδόασιν, τρόπους τιμωρούμεθα, χαρὶν ἡμῖν ὧν παραλείπομεν ἐκείνων ἔχε, μὴ διὰ ταῦτ' ἀξίου μηδένα τρόπον δοῦναι<sup>γ</sup> δίκην.

<sup>α</sup> διδόασιν οἱ νόμοι Blass cum k.

<sup>γ</sup> δοῦναι τρόπον Bens. cum Σ. δοῦναι [τρόπον] Blass.

εἰς τοὺς Ἀμφικτύονας: more usually omitted, as here and Mid. p. 554 § 120. In Nausim. p. 985 §§ 1, 2 we have both phrases within a few lines: adv. Everg. et Mnesib. p. 1160 § 69 the construction is the same as here, πρὸς τὸν βασιλέα μὴ λαγχάνειν. Funkhaenel, who collects these passages, wrongly adds to them II. Steph. p. 1136 § 23 ὑμῶν τοὺς λαχόντας where it is used of the jury, not the prosecutor.

πρὸς δαιτητῇ φεύγοι] The change of case after πρὸς should be noticed. The reading of two inferior MSS. δαιτητὴν could only mean 'fly for refuge to' an arbitrator: the sense required is, 'if he were defending an action before' an arbitrator.

ἵν' ἐκινδύνευσεν] § 21, note.

τόν γε μηδὲν πεποιηκότα] Indefinitely, 'one who has done nothing' wrong: and so = 'the defendant, if he be innocent.'

§ 29. εἰ γράφεις ἡταιρηκῶς] 'if you move decrees (ψηφίσματα) after having committed infamous crime,' K. The distinction between γράφειν and γράφεσθαι is important in these four §§.

ἐπαγγελία] Dict. Antiq. s. v. and compare § 23 ἐπαγγέλλειν.

ὧν γέγραφάς τι] A mixed construction, expressing that A. deserved punishment (1) for what he had proposed (because illegal), (2) for proposing anything at all (because disqualified). MS. Σ has here preserved (with one other) the more difficult but undoubtedly true reading; the mass of inferior copies give εἰ γέγραφάς τι, which expresses only (2). Cobet's correction, ὧν γέγραφας omitting τι, expresses only (1), and has not the merit of ingenuity. Comp. § 33 οὐκ ἐὼντα γράφειν σί, οὐδ' ἂ τοῖς ἄλλοις ἔξεσσι, τὸν νόμον.

ὧν παραλείπομεν ἐκείνων] Not = ἐκείνων ὧν παραλείπομεν, but

- 30 "Αξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, καὶ τὸν θέντα τὸν νόμον ἐξετάσαι Σόλωνα, καὶ θεάσασθαι ὅσην πρόνοιαν ἐποιεῖτο ἐν ἵπασιν οἷς ἐτίθει νόμοις τῆς πολιτείας, καὶ ὅσω περὶ τούτου μᾶλλον ἐσπούδαζεν ἢ περὶ τοῦ πράγματος<sup>z</sup> οὐ τιθείη τὸν νόμον. πολλαχόθεν μὲν οὖν ἂν τις ἴδοι τοῦτο, οὐχ ἥκιστα δ' ἐκ τούτου τοῦ νόμου, μήτε λέγειν μήτε γράφειν ἐξεῖναι τοῖς ἡταιρηκόσιν. ἑώρα γὰρ ἐκείνο, ὅτι τοῖς πολλοῖς ὑμῶν ἐξὸν λέγειν οὐ λέγετε, ὥστε τοῦτ' οὐδὲν ἡγεῖτο βαρύ, καὶ πόλλ' ἂν εἶχεν, εἴ γε κολάζειν ἐβούλετο
- 31 τούτους, χαλεπώτερα θείναι. ἀλλ' οὐ τοῦτ' ἐσπού-

<sup>z</sup> πράγματος αὐτοῦ Z Bekk.

'be thankful for all that we omit, out of those (possible) ways:' ἐκ τοῦ ἐκείνων τῶν τρόπων ἀριθμοῦ, Reiske.

§§ 30—32. Conclusion of the argument on the law of *ἐταλῆσις*. Motive of the legislator in enacting it. *The author of this law was thinking much more of the constitution than of the immediate subject of any law that he was passing. If he had wished to punish such men, he might have devised many severer penalties; and he thought it no hardship to silence them, for most of you Athenians, who are at liberty to move decrees, do not avail yourselves of the privilege, but he felt that men of immoral lives could not be well affected to the democratic constitution; they would naturally prefer an oligarchy, where it is not allowable to speak ill of the rulers. His object was, therefore, to prevent such persons from corrupting the people and bringing it down to their own level: or from betray-*

*ing it into blundering counsels.*

§ 30. ἐξετάσαι Σόλωνα] 'to look into the character of S.' The revered name of Solon is as usual attached to democratic legislation, which must really have dated from the time of Cleisthenes or Pericles.

τῆς πολιτείας] Harpocration: Πολιτεία ἰδίως εἰώθασι χρῆσθαι οἱ ῥήτορες ἐπὶ τῆς δημοκρατίας. Sometimes 'republics' generally as opposed to arbitrary government, as in i. Olynth. p. 10 § 5 ὅλως ἄπιστον, οἶμαι, ταῖς πολιτείαις ἢ τυραννίς: sometimes democratic republics in general, as in de Rhod. Lib. p. 196 § 20 τοὺς τὰς πολιτείας καταλύοντας καὶ μεθιστάντας εἰς ὀλιγαρχίαν: but in the mouth of an Athenian most naturally 'the constitution,' = τὸν δῆμον § 32.

περὶ τούτου] i.e. τῆς πολιτείας, as in ii. Olynth. p. 22 § 15 ὁ μὲν δόξης ἐπιθυμεῖ καὶ τοῦτο ἐξήλωκε, with more in Jelf, *Synt.* § 311, Obs. 2, Madvig, *Synt.* § 99 a.

δασειν. ἀλλὰ ταῦτ' ἀπέειπεν ὑπὲρ ὑμῶν καὶ τῆς πο-  
 λιτείας. ἦδει γάρ, ἦδει τοῖς αἰσχροῦς βεβιωκόσιν 603  
 ἀπασῶν οὔσαν ἐναντιωτάτην πολιτείαν ἐν ᾗ πᾶσιν  
 ἔξεστι λέγειν τὰ κείνων ὀνειδέη. ἔστι δ' αὕτη τίς; δη-  
 μοκρατία. οὐκ οὖν ἐνόμιζεν ἀσφαλές, εἴ ποτε συμβῇ-  
 σεται γενέσθαι συχνούς ἀνθρώπους κατὰ τοὺς αὐτοὺς  
 χρόνους εἰπεῖν μὲν δεινούς καὶ θρασεῖς, τοιούτων δ'  
 32 ὀνειδῶν καὶ κακῶν μεστούς· πολλὰ γὰρ ἂν τὸν δῆμον  
 ὑπ' αὐτῶν ὑπαχθέντ' ἐξαμαρτεῖν, κἀκείνους ἦτοι  
 καταλύσαι γ' ἂν πειρᾶσθαι τὸ παράπαν τὸν δῆμον  
 (ἐν γὰρ ταῖς ὀλιγαρχίαις, οὐδ' ἂν ὦσιν ἔτ' Ἀνδροτιώ-  
 νος τινες αἰσχίον βεβιωκότες, οὐκ ἔστι λέγειν κακῶς  
 τοὺς ἄρχοντας) ἢ προάγειν ἂν ὡς πονηροτάτους  
 εἶναι, ἵν' ὡς ὁμοιότατοι σφίσιν ᾧσι. τὴν οὖν ἀρχὴν  
 τοῖς τοιούτοις ἀπέειπε μὴ μετέχειν τοῦ συμβουλευεῖν,  
 ἵνα μὴ φενακισθεῖς ὁ δῆμος ἐξαμάρτοι μηδὲν. ὦν  
 ὀλιγωρήσας ὁ καλὸς κἀγαθὸς οὗτος οὐ μόνου ᾤετο

§ 31. ταῦτα ἀπέειπεν] 'he imposed the disabilities I speak of,' K.

εἰπεῖν μὲν δεινούς] G. H. Schaefer notes this as a refinement (*reconditior*) on the usual δεινός λέγειν, cf. § 25, Lept. p. 502 § 150 οὐδενός ἦττον, ὧς ἄνδρες Ἀθηναῖοι, τῶν λεγόντων δεινός εἰπεῖν, de Symmor. p. 180 § 8.

§ 32. οὐδ' ἂν ὦσιν...οὐκ ἔστι] 'The οὐκ is superfluously repeated after the οὐδέ, by a not very common idiom.' Paley on c. Phorm. p. 907 § 2. He compares Mid. p. 557 § 129 οὐδ' εἰ τὸ παρ' ἀμφοτέρων ἡμῶν ὕδωρ ὑπάρξει, —οὐκ ἂν ἐξαρκέσειεν: and the present passage among others. In each of these cases, Prof. Butcher points out, the protasis of a conditional sen-

tence intervenes between the οὐδέ and the οὐκ.

τὴν οὖν ἀρχὴν] § 5.

ἵνα μὴ] The reading of T Ω k r ἵνα δὴ μὴ is rather attractive, and the MS. authority for it is respectable. Funkhaenel approves it.

ὁ καλὸς κἀγαθὸς οὗτος] Ironically, 'this honourable man.' So in § 47 where A.'s political antecedents are to be held up to scorn. Cobet, *Var. Lect.* p. 71, remarks on καλὸς κἀγαθός, πολλὰ κἀγαθὰ and the like, as a 'perpetua crasis;' i.e. καὶ ἀγαθὸς wherever found in the MSS. is to be corrected as absolutely inadmissible.

ᾤετο δεῖν] Like the English equivalent 'thought proper,' this is used of an impropriety. Mid.

δεῖν λέγειν καὶ γράφειν οὐκ ἔξόν, ἀλλὰ καὶ παρὰ τοὺς νόμους ταῦτα ποιεῖν.

- 33 Περὶ μὲν τοίνυν τοῦ νόμου, καθ' ὃν ὠφληκόςτος αὐτοῦ τοῦ πατρὸς τῷ δημοσίῳ χρήματα καὶ οὐκ ἐκτε-  
τεικόςτος οὐκ ἔξεστι λέγειν οὐδὲ γράφειν τούτῳ, ταῦτα  
δίκαια λέγειν ἂν ἔχοιτ' εἰκότως, εἰν φῆ δεῖν ἡμᾶς<sup>a</sup>  
ἐνδεικνύναι. τότε γὰρ τοῦτο ποιήσομεν, οὐ μὰ Δι'  
οὐχὶ νῦν, ἡνίκα δεῖ σ' ἐτέρων ὧν ἀδικεῖς δοῦναι  
λόγον, ἀλλ' ὅταν ἢ προσήκον ἐκ τοῦ νόμου, καὶ νῦν  
δείκνυμεν<sup>b</sup> οὐκ ἐὼντα γράφειν σέ, οὐδ' ἂ τοῖς ἄλλοις  
34 ἔξεστι, τὸν νόμον. ὥς οὖν οὐκ ὦφλεν ὁ πατήρ σου,

<sup>a</sup> αὐτὸν Dind. cum ceteris praeter Σ.

<sup>b</sup> δείκνυμεν δὲ Z Bens. cum Σr. ceteri δὲ δείκνυμεν.

p. 561 § 143 βδελυρὸς καὶ ὑβρι-  
στὴς ὧς το δεῖν εἶναι. Below, §§ 56,  
63, Timocr. § 65 ἡξίωσεν.

§§ 33, 34. The argument of  
§§ 25—29, that it is not for the  
defendant to dictate the mode of  
procedure against him, applied  
to another point in the case.  
With regard to his responsibility  
for his father's debts to the public,  
which debars him from speaking  
while they remain unpaid, he may  
say that we ought to have pro-  
ceeded by way of denunciation  
(ἐνδειξις). All in good time: we  
shall do so one day; but mean-  
while the burden of proof lies  
upon you, Androtion. Prove that  
your father was not adjudged a  
defaulter, or that he got out of  
prison not by running away but  
by satisfying the debt. You know  
that by law you inherit his disa-  
bilities in such cases.

These, men of the jury, should  
be your answers if he makes any  
attempt to deceive you and lead  
you astray.

§ 33. ταῦτα δίκαια] Benseler  
and R. W., after Jerome Wolf,  
rightly takes this of what follows:

'these are the answers which  
you might reasonably make.'  
Funkhaenel attempts to prove  
that the words refer to οὐκ ἔξεστι  
λέγειν οὐδὲ γράφειν: quoted, to  
my surprise, with approbation  
by Dindorf.

δεῖν ἡμᾶς ἐνδεικνύναι] The verb  
used absolutely for laying an  
ἐνδειξις. So Theocrin. p. 1337  
§ 45 γράφεσθαι, φαίνειν, ἐνδεικνύ-  
ειν 'proceed by way of γραφή,  
φάσις, ἐνδειξις.'

τότε γὰρ τοῦτο] Compare the  
end of § 23 for the same argu-  
ment in almost the same words.  
Blass writes τοῦτό τε γάρ.

καὶ νῦν δείκνυμεν] It is quite  
the usage of Demosthenes to  
put a verb emphatically between  
καὶ and δέ; III. Olynth. p. 32  
§ 15 καὶ πράξει δὲ δυνήσεσθε νῦν  
III. Phil. p. 129 § 70 ἐγὼ νῆ Δι'  
ἐρώ, καὶ γράψω δὲ 'and what is  
more.' I do not think, how-  
ever, that this is the case here:  
and δέ is rightly expunged by  
Blass.

§ 34. ὦφλεν] Not merely  
'owed money' (ὀφείλεν) but  
'had a decree out against him,



τοῦτ' ἐπίδειξον, ἢ ὥς οὐκ ἀποδρὰς ἐξῆλθεν ἐκ τοῦ δεσποτηρίου, ἀλλὰ τὰ χρήματα ἐκτείσας. εἰ δὲ μὴ ταῦθ' ἔξεις δεικνύναι, οὐκ ἐξὸν γέγραφας κληρονόμον γύρ σε καθίστησιν ὁ νόμος τῆς ἀτιμίας τῆς τοῦ πατρός, ὅντι δ' ἀτίμῳ σοι λέγειν οὐ προσήκ' οὐδὲ γρά- 604  
φειν. καὶ περὶ μὲν τῶν νόμων, οὓς παρεγραψάμεθα. οἶμαι δεῖν ὑμᾶς, ἂν τι φενακίζειν ἐγχειρῇ καὶ παράγειν οὗτος, ταῦθ' ὑπολαμβάνειν, ἃ διεξελέλυθ' ἐγώ.

was inscribed in the public accounts as a defaulter.<sup>3</sup> We say ὀφείλειν χρήματα, but ὀφλισκάνειν, ὀφλεῖν δίκην. The distinction is rightly noted by G. H. Schaefer on Timocr. § 50.

δεικνύναι] Most MSS. including Σ read δεικνύειν, retained by the Zurich editors and Benseler and possibly written by Demosth. for the sake of variety. Dindorf leaves δεικνύειν unaltered, Timocr. §§ 35, 66, 68. Cobet, however, lays down the rule against such forms, *Var. Lect.* p. 317: 'δεικνύναι, δεικνύω, ὁμνύω et similia sequiora sunt et sub Menandri aetatem propullularunt.'

κληρονόμον ..... τῆς ἀτιμίας] *Dict. Antiq.* s. v. Atimia, and Boeckh, *P. E.* p. 390 = *Sthh.*<sup>3</sup> i. 461. Atimia was not usually inherited except by the children of public debtors, among whom Cimon the son of Miltiades is a well-known instance. The harshness with which the law might be enforced is vividly depicted in the opening of the speech against Neaera, p. 1347 §§ 5—8. The law of Timocrates, against which the Timocratea is directed, was expressly designed to mitigate the rigour with which public debtors were treated, and will afford an opportunity for the

fuller discussion of this question. See Timocr. §§ 45, 50, 54.

παρεγραψάμεθα] 'which we have cited against him,' K. who adds in a note: 'the laws which Androtion violated by his decree, which we have copied out and exhibited in court in juxtaposition with his decree.' So in de Cor. p. 263 § 111 τῶν παρεγγραμμένων νόμων of the laws hung up on a table (σανίδιον) by the side of Ctesiphon's decree for the judges to compare. From this primary sense of παραγράφειν, to write as it were in parallel columns, we get the technical usage of παραγραφή, a 'bill of exceptions, demurrer, or special plea' in bar to an action, with the phrases παραγραφὴν διδόναι (c. Phorm. p. 912 § 17) or παραγράφεσθαι (c. Laer. p. 939 § 45). The high legal authority of Mr Mansfield (in *Dict. Antiq.* s. v. Paragraphe) is against the correctness of the word 'demurrer,' by which παραγραφή is commonly translated: according to him 'special plea' is, in English law, the more exact equivalent.

ἂν τι φενακίζειν ἐγχειρῇ καὶ παράγειν] We may join τι with ἐγχειρῇ, and supply ὑμᾶς with φενακίζειν καὶ παράγειν: there is none of the difficulty which was



- 35 Εἰσὶ δὲ καὶ περὶ τῶν ἄλλων αὐτῷ λόγοι πρὸς τὸ φενακίζειν ὑμᾶς εὖ μεμηχανημένοι, περὶ ὧν βέλτιον ὑμᾶς προακοῦσαι. ἔστι γὰρ εἰς αὐτῷ τοιοῦτος, μὴ πεντακοσίους ὑμῶν αὐτῶν ἀφελέσθαι τὴν δωρεὴαν μὴδ' ὀνειδέει περιβαλεῖν· ἐκείνων ἀγῶν, οὐκ ἐμός. ἐγὼ δ' εἰ μὲν ἐμέλλετ' ἀφαιρήσεσθαι τούτους μόνον. ἄλλο δὲ μὴδὲν ὠφελήσῃ τὴν πόλιν, οὐδὲν ἂν ὑμᾶς σφόδρα σπουδάζειν ἡξίου· εἰ δὲ τῷ τούτῳ ποιῆσαι

noticed on § 4 πλάττων καὶ παράγων. Φενακίζειν τινὰ is the usual construction, as in the next §; φενακ. τι and φενακ. τινὰ τι are rarer, but occur de F. L. p. 362 § 66=74 τίς ὁ ταῦτα φενακίσας; and p. 363 § 72=81 ὧν πεφενάκιε τὴν πόλιν. See Shilleto's *Annot. Crit.* on the former passage.

§§ 35—37. But, it will be urged, if you condemn Androtion you will put a stigma upon the whole senate by depriving them of the customary compliment. To this I answer (1) that, even if it were so, the disappointment of 500 men at missing a reward, which after all they have not deserved, ought not to weigh against the interests of the state, and the opportunity of reading a useful lesson to the citizens at large. But further (2) I am prepared to maintain that the discredit does not attach to the senate as a body or to its 'silent members,' but only to Androtion and the other mischief-making orators who manage the senate as they please. And even granting for the sake of argument that the whole body is not upon its trial, it is (3) much more your interest to convict than to acquit. If you acquit, the senate will be still, as it is now, ruled by the professional speakers:

but if you condemn, the ordinary members will no longer leave everything to these self-elected leaders, whose misconduct has cost the senate its crown: they will take the trouble to think for themselves, and advise for the best. It is sufficient reason to justify a conviction, if it only enables you to get rid of the Orators!

§ 35. ἀφελέσθαι...περιβαλεῖν] The reading ἀφέλησθε...περιβάλητε (γρ. Σ) no doubt arose out of the return to the direct construction in ἐκείνων ὁ ἀγὼν οὐκ ἐμός: 'They are upon their trial,' says Androtion, 'and not I.' But the blending of the two constructions in one sentence is not unusual. Dindorf compares, after Funkhaenel, Xen. Cyrop. i. iv. 28 ἐνταῦθα δὴ τὸν Κῦρον γελάσαι τε ἐκ τῶν πρόσθεν δακρύων καὶ εἰπεῖν αὐτῷ ἀπῴοντα θαρρεῖν, ὅτι πάρεσται αὐτοῖς ὀλιγοῦ χρόνου ὥστε ὁρᾶν σοι ἔξεσται κἂν βούλῃ ἀσκαρδαμκτί: where however L. Dindorf reads ὁρᾶν ἔξεσται κἂν βούληται. There are several instances in the Greek of the N. T. e.g. Acts i. 4 περιμένειν τὴν ἐπαγγελίαν τοῦ πατρὸς ἣν ἠκούσατέ μου.

εἰ μὲν ἐμέλλετε ἀφαιρήσεσθαι τούτους μόνον] 'if your only object were to deprive them;' not τούτους μόνον, 'them only.'

πλείους ἢ μυρίους τοὺς ἄλλους πολίτας βελτίους  
εἶναι προτρέψετε, πόσῳ κάλλιον τοσούτους παρασκευ-  
άσαι χρηστοὺς ἢ πεντακοσίους ἀδίκως χαρίσασθαι;  
36 ὥς δ' οὐδ' ἔστιν ἀπάσης τὸ πρᾶγμα τῆς βουλῆς, ἀλλὰ  
τινῶν, οἵπερ εἰσὶν αἴτιοι τῶν κακῶν, καὶ Ἀνδροτιώ-

πλείους ἢ μυρίους] The state-  
ment in the not Demosthenic,  
but certainly contemporary  
speech (perhaps by Hyperides)  
i. Aristog. p. 785 § 51 εἰσιν ὁμοῦ  
δισμύριοι πάντες Ἀθηναῖοι, is well  
supported by other testimony:  
and Reiske accordingly wished  
to read *δισμύριοι* here. In this,  
however, he has had no one to  
agree with him; strict accuracy  
was not required; and 'more  
than 10,000' is quite enough to  
point Demosthenes' argument.  
Besides, *μύριοι* (paroxytone in  
this sense, according to the  
grammarians) is the usual  
Greek word for an indefinitely  
large number, Lat. *sescenti*. The  
evidence as to the number of  
citizens is collected and criticised  
by Boeckh in his chapter on the  
population of Attica (*P. E.* i. vii.,  
especially pp. 32—35 = *Sthh.*<sup>3</sup>  
i. 44—47). Omitting Cecrops  
and the times before Cleisthenes  
as prehistoric we get the figures  
19,000, including those who were  
rejected on a scrutiny, in a  
census of B.C. 445, 19,000 in the  
time of Lycurgus (contemporary  
with Demosthenes; for twelve  
years, probably B.C. 342—330,  
what we might call Chancellor  
of the Exchequer, ταμίς ὁ ἐπὶ  
τῇ διοικήσει, to the Athenian  
state, Mahaffy *Gr. Lit.* ii. p.  
366): 21,000 in a doubtful cen-  
sus under Antipater 323: the  
same number better attested  
under Demetrius Phalereus  
309: 20,000 fighting men in a  
genuine writing of Plato, Cri-

tias 112 D (referring to mythic  
times, but no doubt expressing  
Plato's opinion as to his own):  
all in substantial agreement  
with the author of the speech  
against Aristogiton. On the  
other hand there was, as Boeckh  
puts it, a 'customary assumption'  
in the absence of exact data that  
the number of citizens was half  
as much again, or about 30,000.  
For this he quotes Herodotus  
v. 97 where the statement is  
put into the mouth of Arista-  
goras who, however, had a  
motive for exaggeration; Aris-  
toph. *Ecc.* 1132, a comic pas-  
sage to which there is a set-off  
in *Wasps* 709 δύο μυριάδες: and  
[Plat.] *Axiochus* 369 A, where  
the whole 30,000 are ridiculous-  
ly represented as all present  
together at the condemnation  
of the six generals (τρισμυρίων  
ἐκκλησιαζόντων). A passage from  
a genuine work of Plato (*Symp.*  
175 E) has been cited in favour  
of the larger estimate; what it  
really proves is that the Diony-  
siac theatre held (approximate-  
ly) 30,000 spectators. See Prof.  
Jebb's art. *Theatrum*, *Dict.*  
*Antiq.* ii. 818 b.

τοσούτους παρασκευάσαι χρη-  
στοὺς] χρηστοὺς is attributive:  
'to make so many persons hon-  
est,' not 'so many honest  
men.' The sense approaches  
that of *σωφρονίζειν*, to bring  
a person to a sense of his  
situation, read him a useful  
lesson.

§ 36. τινῶν οἵπερ εἰσὶν αἴτιοι]

νος, ἔχω λέγειν. τῷ γάρ ἐστιν ὄνειδος, εἰ σιωπῶντος αὐτοῦ καὶ μηδὲν γράφοντος, ἴσως δὲ οὐδὲ τὰ πόλλ' εἰς τὸ βουλευτήριον εἰσιόντος, μὴ λάβοι ἢ βουλὴ τὸν στέφανον; οὐδενὶ δῆπουθεν, ἀλλὰ τοῦ γράφοντος καὶ πολιτευομένου καὶ πείθοντος ἃ βούλοιτο τὴν βουλήν· διὰ γὰρ τούτους ἀνάξια τοῦ στεφανωθῆναι  
 37 βεβούλευκεν. οὐ μὲν ἀλλ' εἰ καὶ τὰ μάλιστα πάσης ἔσθ' ἀγὼν τῆς βουλῆς, ὅσῳ συμφέρει μᾶλλον ὑμῖν καταγνοῦσιν ἢ μὴ θεάσασθε. εἰ μὲν ἀπογνώ-

The class of professional politicians, comp. §§ 38, 67, 74.

τῷ γάρ ἐστιν ὄνειδος εἰ...μὴ λάβοι] For the interchange of the indicative, expressing fact or certainty, with the optative expressing hypothesis or mere probability, see Jelf, *Synt.* § 802, 6, Madvig, *Synt.* § 130, or a note on Protag. 335 A. Here the refusal of the crown, though it has actually happened, is put as a supposed case (μὴ λάβοι); but the stigma follows from the refusal as a necessary consequence (ἐστιν). In Goodwin, *Moods and Tenses*, § 70, 2, it is remarked that the indicative and optative in such cases seem to be interchanged without apparent reason.

οὐδενὶ...τοῦ γράφοντος] The Greeks say indifferently ὄνειδος τινὸς and ὄνειδος τινί, and the love of variety so characteristic of Greek style accounts for the change of construction here.

βούλοιτο] Naturally follows the mood of λάβοι. We might take γράφοντος, &c., as imperfect participles, 'used to move decrees:' but the former is, I think, preferable.

διὰ γὰρ τούτους] 'It was owing to these men (A. and his associates) that the administra-

tion of the senate has not been worthy of a crown.' βεβούλευκεν, sc. ἡ βουλὴ, as in § 16.

§ 37. οὐ μὲν ἀλλὰ] 'Not but that,' is here somewhat unusually followed by an imperative θεάσασθε. The orator probably had in his mind οὐ μὲν ἀλλὰ μᾶλλον συμφέρει, then altered the expression to the more vivid ὅσῳ μᾶλλον συμφέρει θεάσασθε. K. translates 'however.'

καταγνοῦσιν] For the participle with συμφέρειν, Schaefer compares Herod. viii. 87 ἐδοξέ οἱ τότε ποιῆσαι, τὸ καὶ συνήεικε ποιησάση. Add Soph. Oed. Tyr. 316 φρονεῖν ὡς δεινὸν ἔνθα μὴ τέλη | λύει φρονούντι. Lys. Or. 25 § 27 οἷς οὐδὲ ἅπαξ ἐλυσιτέλησε πειθομένοις. [Plat.] i. Alcib. 113 τ σκοποῦσιν ὅποτερα συνοίσει πράξασιν, and again, πολλοῖς δὴ ἐλυσιτέλησεν ἀδικήσασι μεγάλα ἀδικήματα. (From Jelf, *Synt.*, § 691, who however is not happy in his explanation.) In this class of phrases the participle is more forcible than the infinitive: as Stein well puts it in his note on the passage in Herodotus, it expresses the reflex action (*Doppelwirkung*) of the deed when done: in the present instance, not merely, 'it is your

σεσθε, ἐπὶ τοῖς λέγουσι τὸ βουλευτήριον ἔσται, ἐὰν δὲ καταγνῶτ', ἐπὶ τοῖς ἰδιώταις· ἑορακότες γὰρ οἱ πολλοὶ διὰ τὴν τῶν λεγόντων πονηρίαν τήνδ' ἀφηρημένην τὴν βουλὴν τὸν στέφανον, οὐχὶ προήσονται 605 τούτοις τὰς πράξεις, ἀλλὰ τὰ βέλτιστ'<sup>c</sup> ἐροῦσιν αὐτοί. εἰ δὲ γεινήσεται τοῦτο καὶ τῶν ἡθάδων καὶ συνεστηκότων<sup>d</sup> ῥητόρων ἀπαλλαγῆσεσθε, ὅψεσθ', ὧ ἄνδρες Ἀθηναῖοι, πάνθ' ἃ προσήκει γιγνόμενα. ὥστ' εἰ μηδενὸς ἄλλου ἔνεκα, διὰ ταῦτα καταψηφιστέον.

<sup>c</sup> βέλτιστα Blass, quod mireris.

<sup>d</sup> παρεστηκότων Z Bens. cum ΣΤΩστν.

interest to condemn' (καταγνῶναι), but 'when you have condemned (καταγνοῦσιν) you will reap the benefit of it.' The low moral tone of the passage shows us Demosth. at his worst: the jury who sit to dispense justice are openly invited to give a verdict in accordance with interest. It is πρᾶγμα ῥάδιον (below, § 42).

ἐπὶ τοῖς ἰδιώταις] 'It (the senate-house) will be ruled by the ordinary (or 'silent') members,' opposed to οἱ λέγοντες, οἱ ῥήτορες. In de Fals. Leg. p. 346, § 17=19, τὸ γὰρ βουλευτήριον μεστὸν ἦν ἰδιωτῶν, they are) (βουλευταί, and Shilleto quotes Aeschin. Ctes. § 125, μεταστησάμενος τοὺς ἰδιώτας, 'having ordered strangers to withdraw.' Another usage of ἰδιώτης was noticed above on § 25. Again, in Nicostr. p. 1247, § 2, it is 'the individual,' as distinguished from the state.

προήσονται τούτοις τὰς πράξεις] Comp. F. L. p. 391 § 161=178 τὰ ἐν Θράκῃ προειμένοι, 'leaving matters in Thrace to take their course.' Another sense of προῖσθαι, common in Demosthenes, is to 'risk or lend'

money, the hazardous nature of ancient commerce suggesting the notion of 'throwing it away.' So pro Phorm. p. 946 § 6 τοὺς ἄλλους χρήστας οἷς προειμένος ἦν. Dionysodor. §§ 2, 48, 50.

τῶν ἡθάδων καὶ συνεστηκότων ῥητόρων] If this reading is right, the meaning will be 'the old confederacy of orators' as R. W. translates: συνεστ. 'banded together.' There is good MS. authority for παρεστηκότων, nearly=παρόντων, 'the old set of orators always on the spot' (bei der Hand, Benseler). But on the whole συνεστ. is to be preferred. Thus early in his career, Demosthenes is already in marked opposition to 'the other orators.'—ἡθὰς is the only form in poetry, ἑθὰς more usual in prose: see Shilleto on Thucyd. ii. 44 § 3, where he has not failed to notice the double reading of Σ in the present passage.

§§ 38—41. The speaker now passes from Androtion's presumed defence of himself to the pleas which others may be expected to urge in his behalf. And first,

§§ 38, 39. Those who, as lead-

38 Ὁ τοίνυν ἕτερον δεῖ μὴ λαθεῖν ὑμᾶς, ἀκούσατε. ἴσως ἀναβήσεται καὶ συνερεῖ τῇ βουλῇ Φίλιππος καὶ Ἀντιγένης καὶ ὁ ἀντιγραφεὺς καὶ τινες ἄλλοι, οὔπερ ἐκεῖ δι' ἑαυτῶν εἶχον μετὰ τούτου τὸ βουλευτήριον

ing members of the senate now under censure, or as auditors of the public accounts, are responsible for the loss by embezzlement, will no doubt speak in favour of Androtion and of the senate. But it is themselves that they will really be defending. If you acquit him, you will be granting an indemnity to all his accomplices; you will never be able to bring any one of them to justice. Resent their interference as that of men who are trying to deceive you in their own interest.

§ 38. ἀναβήσεται καὶ συνερεῖ] 'Will mount the Bema and plead the cause of the senate:' the verb as usual agreeing with the nearest subject Φίλιππος though τινες ἄλλοι are included. The present of συνερεῖ is συναγορεύω (de Rhod. Lib. p. 194 § 15, Polycl. p. 1207 § 6), or συνηγορῶ (de Cor. Trierarch. p. 1232 § 16, 1233 § 18), agreeably to the rule laid down by Cobet, *Var. Lect.* pp. 35—39. Compare his *Nov. Lect.* p. 778, Sandys on Demosth. Callicles, p. 1273 § 4.—Nothing is known of the men here mentioned.

ὁ ἀντιγραφεὺς] The ἀντιγραφεῖς, checking-clerks, *contratolutores*, *contrôleurs*, are now treated separately in *Diet. Antiq.* and not as a class of *Grammateis* or secretaries.

Of the two chief officers who bore this name, the ἀντιγραφεὺς τῆς διοικήσεως attached to the principal finance minister (see on Lycurgus, above § 35 n.), and

the ἀντιγραφεὺς τῆς βουλῆς, the latter must here be meant. I find it impossible to agree with Boeckh (*P. E.* bk II. note 162 = *Sthh.*<sup>3</sup> i. 235 n.), that Harpocration is mistaken, and that the present passage relates to subordinate checking-clerks; or that there were three principal ἀντιγραφεῖς as Boeckh also states (*P. E.* p. 186, but this opinion is modified in *Sthh.*<sup>3</sup> i. 228 ff.), on the authority of Suidas: or that there was only one, as Schoemann seems to hold in his latest work (*Antiq.* p. 378, note 4). It seems clear that the ἀντιγραφεὺς was distinguished from the γραμματεὺς, by checking financial matters only, not proceedings generally: and that Harpocration is right when he says, quoting good authorities: Διττοὶ δὲ ἦσαν ἀντιγραφεῖς, ὁ μὲν τῆς διοικήσεως, ὡς φησι Φιλόχορος, ὁ δὲ τῆς βουλῆς, ὡς Ἀριστοτέλης ἐν Ἀθηναίων πολιτείᾳ (54 § 3, where see Sandys).

οὔπερ ἐκεῖ—τὸ βουλευτήριον] 'Who then with the defendant used to manage the senate-house.' It is agreed that ἐκεῖ here = τότε, a sense of which I cannot find another undoubted example: Soph. Philoct. 395, and Eurip. Ion, 546, 554, have been quoted, but all three passages may be explained otherwise: see Paley's notes on each. 'ἐκεῖ καὶ ἐπὶ χρόνου τάσσεσθαι, docetur *Anecd.* Bekk. p. 188, init.' G. H. Schaefer.—Demosth. says several times δι' ἑαυτοῦ ἔχειν



καὶ τούτων τῶν κακῶν εἰσιν αἵτιοι. δεῖ δὴ πάντας  
 ὑμᾶς γιγνώσκειν ὅτι τούτοις ἐστὶ μὲν ἡ πρόφασις τῆς  
 συνηγορίας τῇ βουλῇ βοηθεῖν, τῇ δ' ἀληθείᾳ ὑπὲρ αὐ-  
 τῶν ἀγωνιοῦνται καὶ τῶν εὐθυνῶν, ἃς αὐτοὺς προσήκει  
 39 δοῦναι τῶν πεπραγμένων. ἔχει γὰρ οὕτως. ἂν μὲν  
 ἀπογινῶτε τὴν γραφὴν ταύτην. ἅπαντές εἰσιν ἀπηλλα-  
 γμένοι καὶ δίκην οὐδεὶς οὐδεμίαν μὴ δῶ· τίς γὰρ ἔτ'  
 ἂν καταψηφίσαιτ' ἐκείνων, τὴν βουλήν ὑμῶν ἐστεφα-  
 νωκότων, ἧς οὗτοι προέεστασαν; ἐὰν δὲ καταγινῶτε,  
 πρῶτον μὲν τὰ εὖορκ' ἔσεσθ' ἐψηφισμένοι, εἴτ' ἐπὶ  
 ταῖς εὐθύναις ἕκαστον τούτων λαμβάνοντες, ὃς μὲν  
 ἂν ὑμῖν ἀδικεῖν δοκῇ, κολάσετε, ὃς δ' ἂν μὴ, τότε ἀφή-  
 σετε. μὴ οὖν ὥς ὑπὲρ τῆς βουλῆς λεγόντων καὶ τῶν  
 πολλῶν ἀκούετε. ἀλλ' ὥς ὑπὲρ αὐτῶν παρακρουμέ-  
 νοις ὀργίξεσθε.

for 'to hold in one's hands:' Funkhaenel adduces de Rhod. Lib. p. 194 § 14 δι' αὐτῶν εἶχον τὴν πόλιν. Olympiod. p. 1171, § 15 τὸ ἀργύριον τοῦθ' ἅπαν εἶχεν αὐτὸς δι' ἑαυτοῦ ὁ ἄνθρωπος. de Cor. Trierarch. p. 1234 § 22 πάντα δι' αὐτῶν ποιοῦνται (not to be construed as if it were ποιῶσιν).

§ 39. ἂν μὲν ἀπογινῶτε] Here, to 'dismiss' the impeachment, τὴν γραφὴν: more usually to 'acquit' the defendant, c. genit. pers. like καταγιγνώσκειν. Compare [Demosth.] Theocrin. p. 1327 § 17 οὐ καλῶς ἔχει ταύτην ἀπογιγνώσκειν τὴν ἐνδείξιν: on the other hand, ἀπογινῶναι τῆς δίκης, c. Phorm. p. 913 § 22, p. 920 § 45, Anecd. Bekk. p. 183, 24: ἀπογιγνώσκειν ἀφείναι τῶν ἐγκλημάτων.

κολάσετε] The active form, as always in the Orators: κολάσσομαι Xenophon, Plato: contr. κολῶμαι, apparently only in

Aristophanes. "The quotations of fut. act. will show that Hemsterhuis and Porson were quite wrong in asserting that 'the Attics use only the mid. fut. of this verb,' and that Buttmann, Passow, and even Poppo are scarcely right in calling the mid. fut. 'usitatioir.'" Veitch, s. v.

καὶ τῶν πολλῶν] Of course to be joined with ὑπὲρ τῆς βουλῆς: *et populi*, as Jerome Wolf and Kennedy; rather than *maximae partis senatus*, as Jurinus, Funkhaenel, Dindorf.

§§ 40, 41. Archias also, a member of last year's senate who poses as an honest man, will probably intercede for Androtion. But you can ask him a few pertinent questions. If he justifies the conduct of the senate, what becomes of his character for honesty? if his advice was not listened to, what can he say for his



- 40 Ἔτι τοῖνυν Ἀρχίαν οἶμαι τὸν Χολαργέα (καὶ γὰρ οὗτος ἐβούλευεν πέρυσιν) ὡς ἐπιεικῇ δεήσεσθαι καὶ συνερεῖν αὐτοῖς. ἐγὼ δ' οἶμαι δεῖν<sup>ο</sup> ὥδι πῶς ἀκούειν Ἀρχίου, ἐρωτᾶν αὐτὸν ταῦτα, ἃ κατηγοροῦνται τῆς βουλῆς, πότερ' αὐτῷ δοκεῖ καλῶς ἔχειν ἢ κακῶς· καὶν μὲν φῆι καλῶς, μηκέτι τὸν νοῦν ὡς ἐπιεικεῖ 606 προσέχειν, ἂν δὲ κακῶς, τί δὴ ταῦτ' εἶα φάσκων
- 41 ἐπιεικῆς εἶναι, πάλιν αὐτὸν ἐρωτᾶτε. καὶν μὲν \*ἀντιλέγειν φῆι, μηδένα δ' αὐτῷ πείθεσθαι, ἄτοπον δὴπου νῦν λέγειν ὑπὲρ τῆς τὰ βέλτιστ' οὐχὶ πειθομένης ἑαυτῷ βουλῆς· ἂν δὲ σιωπᾶν, πῶς οὐκ ἀδικεῖ, εἰ παρὸν ἐξαμαρτάνειν μέλλοντας ἀποτρέπειν, τοῦτο μὲν οὐκ ἐποίει, νῦν δὲ λέγειν τολμᾷ ὡς δεῖ τοὺς τοσαῦτα κάκ' εἰργασμένους στεφανῶσαι;

<sup>ο</sup> add ὑμᾶς Z Bekk.

\* ἐναντία λέγειν ΣΤΩ.

colleagues? if he held his tongue, he connived at their proceedings.

§ 40. τὸν Χολαργέα] His deme was Χόλαργος or Χολαργία, of the tribe Acamantis. The names of the demotae occur much oftener than those of the demes, both in authors and inscriptions: hence there is often an uncertainty about the latter.

ἐπιεικῇ] In Demosth. 'honest, well-principled, respectable,' c. Phorm. p. 915 § 30 ὡς ἐπιεικεῖς δοκῶσιν εἶναι περὶ τὰ συμβόλαια, Lacrit. p. 925 § 7 οἷός μιν εἶναι ἐπιεικεῖς ἀνθρώπους καὶ οἱοὶ περ προσεποιούντο καὶ ἔφασαν εἶναι: in both these instances of commercial honesty. Theocrit. p. 1343 § 66 ἐπιεικῇ δόξαν ἔχων ἐτελεύτησεν of general respectability. In Plato still more indeterminate, simply = ἀγαθός, as I have noted on Protag. 336 D. Adv. ἐπιεικῶς 'tolerably,' both

in Plato and the Orators, Shilleto, de F. L. p. 450 § 340 = 392.

δεῖν ὥδι πῶς ἀκούειν Ἀρχίου] 'You ought, I think, when you hear Archias, to do something of this sort.' Dindorf and Benseler here follow Σ in omitting ὑμᾶς, which even the Zurich editors retain.

ἐρωτᾶν...ἐρωτᾶτε] The construction changed for the sake of variety: see above § 36. The argument is ingenious but sophistical: the charges against the senate (ἃ κατηγοροῦνται τῆς βουλῆς) are assumed as proved.

§ 41. ἀντιλέγειν] Of course an imperfect infinitive, though Funkhaenel goes out of his way to deny the fact: cf. § 25. The reading ἀντιλέγειν has slight MS. authority, but is preferred by Cobet, Nov. Lect. p. 228, and is certainly neater. ΜΕΝΑΝΤΙΑΕΙΝ passes easily into ΜΕΝΕΝΑΝΤΙΑΕΙΝ.

- 42 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν λόγων, ὅτι ταῦτα πάντ' αὐτῷ διὰ τὰς εἰσπράξεις γέγονεν, ἃς ὑπὲρ ὑμῶν ὀλίγους εἰσπράξαι φήσει πολλά χρήματ' ἀναιδῶς οὐ τιθέντας. καὶ κατηγορήσει τοίτων, πρᾶγμα ῥάδιον, οἶμαι, διαπραξάμενος, [τῶν μὴ τιθέντων τὰς εἰσφοράς], καὶ φήσει πᾶσαν ἄδειαν ἔσεσθαι τοῦ μὴ τιθέναι τὰς εἰσφοράς, εἰ  
43 καταψηφιεῖσθ' αὐτοῦ<sup>1</sup>. ὑμεῖς δ', ὦ ἄνδρες Ἀθηναῖοι, πρῶτον μὲν ἐκείνο ἐνθυμεῖσθε, ὅτι οὐ περὶ τούτων δικάσειν ὁμωμόκατε, ἀλλ' εἰ κατὰ τοὺς νόμους τὸ ψήφισμ' εἶπεν, εἶθ' ὅτι πάνδεινόν ἐστι,

<sup>1</sup> καταψηφιεῖσθε αὐτοῦ Ζ. καταψηφιεῖσθ' αὐτοῦ Bens.

§§ 42—46. *As a last argument, Androtion will represent himself as a martyr to public spirit. He had charged himself with the unpopular task of collecting arrears of property tax: hence all this has come upon him. If you convict him, he will argue, nobody who does not like it need pay taxes at all. But reflect, first, that this is not the question which you are sworn to try: and secondly, that the paltry amount of seven talents that he has recovered for you is nothing compared with the question whether the laws are to be in force.*

§ 42. ὀλίγους...πολλὰ χρήματα] ὀλίγους, for which Jerome Wolf proposed ἐνίους, is not said in disparagement of A.'s services, as G. H. Schaefer imagined: for Benseler rightly points out that the words are put into his own mouth (φήσει). The argument that a few rich and unscrupulous men were not ashamed to withhold large sums due to the public, and to persecute him for compelling them to

disgorge, A. thought likely to weigh with an Athenian jury, always ready to suspect oligarchical insolence. Hence also πρᾶγμα ῥάδιον.

διαπραξάμενος] Dobree corrects διαπραττόμενος and brackets τῶν μὴ τιθέντων τὰς εἰσφοράς. Cobet, who approves of both changes, remarks on Dindorf's neglect of Dobree, 'quo nemo melior Demostheni interprete et emendatore obtigit.' Dobree is, of course, a man after Cobet's own heart as a contemner of the MSS.: but in the present case I believe them to be right.

ἄδειαν...τοῦ μὴ τιθέναι] 'impunity for non-payment' of the property-tax. In Timocr. § 31 ἄδειαν τοῦ μὴ τι παθεῖν ἀηδὲς ἢ δεινόν there is a different shade of meaning; ἄδεια is referred to the penalty, not the offence, 'exemption from unpleasant or serious consequences.' For the legal sense of ἄδεια, 'a vote of the people promising indemnity,' see *Dict. Antiq.* s. v.

§ 43. πάνδεινον...κατηγορίαν ποιούμενον...αὐτὸν ἀξιοῦν] 'it is

κατηγορίαν ποιούμενον ὡς ἀδικοῦσί τινες τὴν πόλιν, αὐτὸν ἀξιοῦν ὧν ἀδικεῖ μειζόνων ὄντων μὴ δοῦναι δίκην· πολὺ γὰρ δήπου μεῖζόν ἐστ' ἀδίκημα γράφειν  
 44 παρὰ τοὺς νόμους ἢ τὴν εἰσφορὰν μὴ τιθέναι. ὅτι τοῖνυν οὐδ' εἰ φανερώς ἐμελλεν ἀλόιντος τούτου μηδεὶς εἰσοίσειν μηδ' ἐθελήσειν εἰσπράττειν, οὐδ' οὕτως ἀποψηφιστέον, ἐκ τῶνδε γνώσεσθε. ὑμῖν παρὰ τὰς εἰσφοράς τὰς ἀπὸ Ναυσινίκου, παρ' ἴσως τέλαντα τριακόσι' ἢ μικρῷ πλείω, ἔλλειμμα<sup>g</sup> τέτταρα καὶ δέκ' ἐστὶ τέλαντα, ὧν ἑπτὰ<sup>h</sup> οὗτος εἰσέπραξεν, ἐγὼ 607 δὲ τίθημι ἅπαντα. ἐπὶ μὲν δὴ τοὺς ἐκόντας τιθέντας

<sup>g</sup> ἔλλειμματα Z Bens. cum libris praeter k.

<sup>h</sup> ἑπτὰ τέλαντα Z Bens. cum ΣΤΩkrs.

monstrous in one who complains of others wronging the state to expect to escape punishment himself.'

§ 44. παρὰ τὰς εἰσφοράς τὰς ἀπὸ Ναυσινίκου] 'Upon all the [property] taxes from the time of Nausinicus,' K. rightly. Παρὰ expresses proportion,—'according to,' Jelf § 636, iii. k, quoting Lept. p. 467 § 32 παρὰ τὰς τριάκοντα μυριάδας δίδωσιν ὑμῖν μυρίους μεδίμνους, 'on every 300,000 bushels gives you 10,000.' [Demosth.] Erot. p. 1402 § 4 παρὰ τοὺς χρωμένους τὸ πλεῖστον διαλλαττόντων, '(circumstances) differing according to the use made of them.' Thucyd. viii. 29. 2 παρὰ πέντε ναῦς is however wrongly referred to this head, and translated 'for every five ships;' the meaning is *within* five ships, i.e. allowing pay for five ships over, 60 when there were really only 55. (Classen's acute handling of this difficult passage is well worth study.)

The archonship of Nausinicus

falls B.C. 378—7 (the Athenian year beginning in July) at the breaking out of the war called in § 15 'the last war with the Lacedaemonians.' The εἰσφορὰ was then remodelled and the συμμοραὶ introduced for the first time. Boeckh treats this subject at great length in *P. E.* book iv. chs. vii.—ix.: the results, as modified by his later views in *Sthh.*<sup>3</sup>, are given in *Dict. Antiq.* s. v. Eisphora. Compare also Grote ch. 77 (vii. p. 100 ff.). Schoemann, *Antiq.* p. 457 f.

τριακόσια] The sum of 300 talents is too large for the Eisphora of a single year (Nausinicus' archonship, as Boeckh explained): too small for the whole 23 years between Nausinicus and the date of the speech, as Grote took it. The numeral is probably corrupt; the sense points to a higher figure. Compare Fraenkel, n. 821 on Boeckh (*Sthh.*<sup>3</sup>); *Class. Rev.* i. 150; *Dict. Antiq.* i. 712 b.

ἐγὼ δὲ τίθημι ἅπαντα] 'I will assume however that he levied

οὐ δεῖσθ' Ἀνδροτίωνος, ἐπὶ δὲ τοὺς ἐλλείποντας.  
 45 ἔστι τοίνυν ὑμῖν νυνὶ σκεπτέον εἰ τοσούτου τιμᾶσθε  
 τὴν πολιτείαν καὶ τοὺς κειμένους νόμους καὶ τὸ  
 εὖορκεῖν· εἰ γὰρ ἀποψηφιεῖσθε τούτου φανερώς οὕτω  
 παρὰ τοὺς νόμους εἰρηκότος, δόξετε πᾶσι τὰ χρήματα  
 ταῦτ' ἀντὶ τῶν νόμων καὶ τῆς εὖορκίας ἡρῆσθαι.  
 ἂ οὐδ' ἂν εἰ παρ' ἑαυτοῦ δοίη τις ὑμῖν, λαβεῖν ἄξιον.  
 46 μὴ τί γε ἐφ' ᾧ ἑτέρους εἰσπράττειν. ὥσθ' ὅταν  
 ταῦτα λέγῃ, μέμνησθε τῶν ὄρκων καὶ τὴν γραφὴν ἐν-  
 θυμεισθε, ὅτι νῦν οὐ περὶ πράξεως εἰσφορῶν ἐστίν.

the whole.' In Timocr. § 162, where the argument is precisely similar, the amount of arrears collected by Androtion and his associates (οὔτοι, including Timocrates himself) is reduced to five talents.

§ 45. εἰ τοσούτου τιμᾶσθε] 'Whether you value the constitution and the established laws and the observance of your oaths at this (miserable) price of 7 or even 14 talents.'

ἂ οὐδ' ἂν εἰ] i.e. ἂ οὐδ' ἂν ἄξιον (εἴη) λαβεῖν, εἰ κ.τ.λ. An elliptical construction common with καὶν εἰ, ὥσπερ ἂν εἰ. Comp. on Protag. 328 A.

παρ' ἑαυτοῦ] 'out of his own pocket' (§ 48), an allusion to the ἐπιδόσεις or voluntary contributions with which the necessities of the state were met in times of pressure. For these see Boeckh, *P. E.* book iv. ch. 17, or *Dict. Antiq.* s. v. Epidoseis, where examples are given. The most striking instance is perhaps that of Demosthenes himself, who besides other liturgies (like the choregia well known through the Speech against Midias) 'gave on different occasions three triremes, and also at one time eight talents, to which he afterwards

added three more for the building of the walls, one talent after the battle of Chaeroneia, and another for the purchase of corn.' Boeckh, p. 587 = *Sthh.*³ i. 686. Besides this, his ransoming of Athenian prisoners in Macedonia is noticed with complacency by himself, de Fals. Leg. p. 394 §§ 169, 170 (= 186, 187 R. S.): with ridicule by Aeschines, de F. L. § 100.

μὴ τί γε] sc. εἰ δοίη, 'much less, assuredly, on condition of collecting it from others.' For this use of μὴ τι, generally followed by γε and often also by δή, see Jelf *Synt.* § 762, Madvig *Synt.* § 212. The principle is the same as that of οὐχ ὅτι, μὴ ὅτι, i.e. οὐ λέγω ὅτι, μὴ λέγε (λέγειν) ὅτι. The phrase recurs § 53 extr., de F. L. p. 383 § 137 = 150.

§ 46. περὶ πράξεως εἰσφορῶν] 'the question is not about the exaction of property taxes,' for which he used εἰσπραξίς, εἰσπράττειν above. So in a συγγραφὴ or agreement ap. Demosth. Laetit. p. 926 § 12 ἔστω ἡ πράξις τοῖς δανείσασιν 'it shall be lawful for the lenders to levy the amount by execution:' Dionysodor. p. 1296 § 45 τὴν δὲ πρᾶξιν εἶναι καὶ

ἀλλ' εἰ δεῖ κυρίους εἶναι τοὺς νόμους. καὶ περὶ τούτων μὲν, ὃν τρόπον ὑμᾶς ἀπάγων ἀπὸ τοῦ νόμου παρακρούεσθαι ζητήσῃ, καὶ ἂ πρὸς ταῦθ' ὑμᾶς μνημονεύοντας μὴ ἐπιτρέπειν προσήκει, πολλὰ λέγειν ἔχων ἔτι, καὶ ταῦθ' ἰκάν' εἶναι νομίζων, ἑάσω.

- 47 Βούλομαι δὲ καὶ τὰ πολιτεύματα ἐξετάσαι τοῦ καλοῦ καὶ γαθοῦ τούτου, δι' ὧν οὐκ ἔσθ' ὅ τι τῶν δεινοτάτων ἑλλίπων<sup>i</sup> φανήσεται· καὶ γὰρ ἀναιδῆ

<sup>i</sup> ἑλλείπων Z Bekk. Bens. cum ΣFTΩstv.

ἐξ ἑνὸς καὶ ἐξ ἀμφοῖν, 'the borrowers shall be jointly and severally liable.'

ἀπὸ τοῦ νόμου] The law 'de senatu coronando:' Funkhaenel, Benseler.

πρὸς ταῦθ'] 'in reply to this:' 'when he urges these points,' R. W.

§§ 47—78. Second main division of the speech. Androtion's assumed line of defence has now been disposed of, and the orator proceeds to an arraignment of his whole political career. Almost the whole of these sections is repeated in the *Timocrates*; and they fall naturally into two subordinate divisions. (i) The collection of arrears due to the state, for which he takes credit as a public benefactor, was really a display of brutality and dishonesty worthy of the worst times of oligarchical oppression (§§ 47—68); (ii) and the rest of his acts are of a piece with it, especially his treatment of the sacred utensils. By melting down the golden crowns presented to the state, and recasting them as paterae or cups, he not only obliterated inscriptions commemorative of the glories of Athens, and the gratitude of our allies, but opened the door

to the grossest fraud and waste of the precious metal (§§ 69—78).

§§ 47—50. *I will prove him to have stopped short of nothing that is atrocious; that by his shameless robberies and his overbearing conduct he is anything but fit to be a statesman in a democracy. Witness his treatment of Euctemon, whom he falsely accused of retaining balances due to you, got you to depose him from the office of collector to which he had been chosen by lot, and crept into his place—with what object you will soon see.*

§ 47. τὰ πολιτεύματα—τούτου] 'to examine the political conduct of this worthy fellow' K. or 'honourable man,' καλὸς καὶ γαθὸς as in § 32. It has been remarked (on § 23) that cross-examination was little known at Athens: hence, probably, the free resort to the *διαβολὴ τοῦ προσώπου* as the Scholiast calls it, or abuse of the other side. Cicero's invectives against Gabinius and Piso, the consuls who allowed him to be banished, are well-known examples of the Roman license in public speaking. Compared with 'cross-examination to character,' pushed to the lengths it has lately been in



καὶ θρασὺν καὶ κλέπτην καὶ ὑπερήφανον καὶ πάντα  
μᾶλλον ἢ ἐν δημοκρατίᾳ πολιτεύεσθαι ἐπιτήδειον  
ὄντ' αὐτὸν δείξω<sup>1</sup>. καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον  
φρονεῖ, τὴν τῶν χρημάτων εἴσπραξιν ἐξετάσωμεν  
αὐτοῦ. μὴ τῇ τούτου προσέχοντες ἀλαζονείᾳ τὸν  
νοῦν, ἀλλὰ τὸ πρᾶγμα, οἷον γέγοιτε τῇ ἀληθείᾳ, σκο-  
48 ποῦντες. οὗτος Εὐκτῆμονα φήσας τὰς ὑμετέρας ἔχειν  
εἰσφοράς, καὶ τοῦτ' ἐξελέγξειν ἢ παρ' ἑαυτοῦ κατα-

<sup>1</sup> ἀποδείξω Z Bekk. cum Frt.

English courts, the ancient practice may be pronounced the milder form of torture.

καὶ πρῶτον μὲν] This passage, ending with εἰς τὸ δεσμωτήριον ἔλκεσθαι in the middle of § 56, is repeated with a few verbal alterations in Timocr. §§ 160—168.

§ 48. παρ' ἑαυτοῦ καταθήσειν] An appeal to the cupidity of his hearers which was not likely to fail of its object, especially in those times. With all their dread of *συκοφαντία*, and hatred of the person of the informer, the Athenians were ready to listen to any proposal which promised to fill the public treasury, so large a portion of which, under the forms of the *δικαστικόν*, *θεωρικόν*, and *μισθὸς ἐκκλησιαστικός*, flowed into their own pockets. Whether it was a charge of malversation against a high official, or of concealment of property to the most trifling amount against a state debtor of the poorer class, they were ready to receive any statement of claim (*ἀπογραφή*) which might lead to fines and confiscations. The speech against Nicostratus affords a good illustration of the latter class: cf. *Dict. Antiq.* s. v. *ἀπογραφή*. The extreme severity

of the Athenian laws against any usurpation of the privileges of a citizen by the *ἄτιμοι*, or by aliens, whether *ξένοι* or *μέτοικοι*, had a like origin. Hence also the jealousy with which the lists of its citizens were revised by the members of each deme. The strongest case on record appears to be that of Pyrrhus, a member of the noble family of the Eteobutadae, who was prosecuted by *ἐνδειξίς* for acting as a dicast when under disfranchisement, and actually put to death, though the crime was committed under stress of poverty (*Demosth. Mid. p. 573 § 182*). The sovereign people, a democracy within itself, was a close corporation as regarded outsiders, and 'the fewer the better cheer' was one of its ruling principles. And like many tyrants recorded in history, it treated informers as favourites who were to be first encouraged in oppression on condition of sharing their gains, and then squeezed dry, with much show of virtuous indignation and the reality of a double profit. On this weak side of the Athenian character C. R. Kennedy has some good remarks, *Dict. Antiq.* s. v. *Sycophantes*.

The tendency to encourage



θήσειν ὑποσχόμενος<sup>h</sup>, καταλύσας ψηφίσματι κλη- 608  
ρωτὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ ἐπὶ τὴν εἴσπρα-  
ξιν παρέδν. δημηγορίας δ' ἐπὶ τούτοις ποιούμενος,  
ὥς ἔστι τριῶν αἵρεσις<sup>1</sup>, ἣ τὰ πομπεῖα κατακόπτειν

<sup>h</sup> ὑποσχόμενος om. Z cum pr. Σ. Ita Cob. Misc. Crit. pp. 524, 531.

<sup>1</sup> add ὑμῖν Bekk., cum libris praeter pr. Σ.

prosecutions was likely to be at its height when the revenue was at its lowest: and the period of the 105th and 106th Olympiads (B.C. 360—353), within which this speech falls, was that of the greatest impoverishment of the Athenian treasury (Boeckh, *P.E.* p. 435 = *Sthh.*<sup>3</sup> i. 511). To this period belong the remodelling of the trierarchy in 358, by which the smaller fry no longer escaped through the meshes of the financial net: and the law of Leptines about 357—6 (opposed by Demosthenes in his great speech), which for the sake of an insignificant increase of revenue abolished exemptions to which the public faith was pledged.

καταλύσας ψηφίσματι κληρωτὴν ἀρχὴν] Explained already on τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν § 1 n. The κληρωτὴ ἀρχὴ is that of ἐκλογεύς, as to which there is but little information. The word ἐκλογεύς appears to occur among classical writers only in the fragments of Antiphon (fr. 52 Blass) and Lysias (fr. 5 Bekk. = 9 Scheibe): but it is noticed by Harpocration and Suidas, and the equivalent phrase οἱ ἐκλέγοντες occurs c. Timocr. §§ 40, 144, οἱ εἰσπράττοντες c. Polycl. p. 1209 § 10. Two kinds of ἐκλογεῖς are described in *Dict. Antiq.* s. v., the ordinary and the extraordinary. The former, as an ἀρχὴ κληρωτὴ open to all citi-

zens, must here be intended; the latter was an ἀρχὴ χειροτονητή, and confined to the richer classes.

It is impossible not to agree with Prof. Mahaffy (*Social Life in Greece*, passim) as to the proneness of the Greeks, not excepting the Athenians, to dishonesty and especially to the embezzlement of public money: see further, notes on Timocr. §§ 79, 193. In the absence of property qualification implied by a κληρωτὴ ἀρχὴ the safeguards against this were (1) as in modern times, the giving of security: οἱ ἐγγυώμενοι are joined with οἱ ἐκλέγοντες Timocr. ll. cc.: (2) the readiness of the Athenians to inflict capital punishment for slight offences against property, not tempered (as in England in the early part of the present century) by any reluctance on the part of juries to convict.

παρέδν] So de Cor. p. 252 § 79 ἐκείνος εἰς Πελοπόννησον παρεδύετο, Philip 'was trying to creep into the Peloponnese,' establish a footing there. Aeschin. Ctes. § 37 τοιοῦτον ἔθος παραδέδυνεν εἰς τὴν ὑμῶν πολιτείαν.

τριῶν αἵρεσις] The 'three courses' offered by Androton to the choice of the Athenians are to break up (and melt down) the sacred plate, to have a new εἰσφορά, or to demand payment

ἢ πάλιν εἰσφέρειν ἢ τοὺς ὀφείλοντας εἰσπράττειν,  
 49 αἰρουμένων εἰκότως ὑμῶν τοὺς ὀφείλοντας εἰσπράτ-  
 τειν, ταῖς ὑποσχέσεσι κατέχων, καὶ διὰ τὸν καιρὸν  
 ὃς ἦν τότε ἔχων ἐξουσίαν, τοῖς μὲν κειμένοις νόμοις  
 περὶ τούτων οὐκ ᾔετο δεῖν χρῆσθαι οὐδ', εἰ μὴ τού-  
 τους ἐνόμιζ' ἱκανούς, ἑτέρους τιθέναι, ψηφίσματα  
 δ' εἶπεν ἐν ὑμῖν δεινὰ καὶ παράνομα, δι' ὧν ἡργολάβει  
 καὶ πολλὰ τῶν ὑμετέρων κέκλοφε, τοὺς ἑνδεκα γρά-  
 50 ψας ἀκολουθεῖν μεθ' ἑαυτοῦ. εἰπ' ἔχων τούτους ἦγεν  
 ἐπὶ τὰς τῶν πολιτῶν οἰκίας. καὶ τον μὲν Εὐκτῆμονα,  
 ὃν εἰσπράξειν ἢ καταθήσειν αὐτὸς ἔφη τὰς εἰσφοράς,

of those in arrear. With τοὺς ὀφείλοντας supply τὰς εἰσφοράς understood from εἰσφέρειν: the double accusative is expressed in § 50.—πομπεῖα, vessels carried in the procession (πομπή) at the Panathenaea: hence in § 74 the goddess herself is said to have been despoiled. The building in which they were kept was called πομπεῖον: it was used for other purposes, c. Phorm. p. 918 § 39.

This passage is enough to prove, if other proof were wanting, that the εἰσφορά was an extraordinary contribution levied at irregular intervals: it supports, therefore, Grote's explanation of the τριακόσια τάλαντα § 44, as against the notions that they were either (1) levied in one year or (2) spread over the whole 23 years.

§ 49. τοὺς ὀφείλοντας εἰσπράττειν] τὸ τοὺς Cobet here and || Timocr.

ταῖς ὑποσχέσεσι κατέχων] K. translates somewhat vaguely 'as he had won you by his promises.' κατέχων is rather 'holding you down' and so 'under his thumb,' completely in his power, ready

to follow his dictation, much like δι' ἑαυτῶν εἶχον § 38.

διὰ τὸν καιρὸν] 'because of the crisis,' circumstances of the time; doubtless referring to the Social War (see note on last section).

ἡργολάβει . κέκλοφε] 'he made a job for himself and has largely plundered you' K. Rather 'made jobs.' The imperfect expresses the continuous character of the frauds upon which A. fattened.

τοὺς ἑνδεκα γράψας] 'putting in a clause that the Eleven should accompany him' implied a coercion bill of a very stringent character: 'ut qui non solveret, statim in vincula daretur,' Funkhaenel. Cf. *Dict. Antiq.* s. v. Hendeca.

§§ 51—55. From the case of Euctemon the orator passes to the general character of Androtion's exactions, expanding the brief statement in § 47 that his conduct was unworthy of a democratic statesman. On the contrary it recalls the days of the Thirty, the worst in Athenian history; or rather A. surpassed them in brutality, and treated free citizens worse than slaves.

οὐδὲν εἶχεν ἐλέγχειν περὶ τούτων, ὑμᾶς δ' εἰσέ-  
 πραττειν, ὥσπερ οὐ διὰ τὴν Εὐκτήμονος ἔχθραν ἐπὶ  
 51 ταύτ' ἐλθὼν, ἀλλὰ διὰ τὴν ὑμετέραν. καὶ μηδεὶς  
 ὑπολαμβάνετω με λέγειν ὡς οὐ χρῆν εἰσπράττειν  
 τοὺς ὀφείλοντας. χρῆν γάρ. ἀλλὰ πῶς; ὡς ὁ  
 νόμος κελεύει, τῶν ἄλλων εἵνεκα· τοῦτο γάρ ἐστι  
 δημοτικόν. οὐ γὰρ τοσοῦτον, ὃ ἄνδρες Ἀθηναῖοι,  
 τοσοῦτων χρημάτων [τοῦτον τὸν τρόπον] εἰσπρα-  
 χθέντων ὠφέλησθε, ὅσον ἐξημῶσθε τοιούτων ἐθῶν  
 εἰς τὴν πολιτείαν εἰσαγομένων. εἰ γὰρ ἐθέλοιτ'<sup>m</sup>  
 ἐξετάσαι τίνος εἵνεκα μᾶλλον ἂν τις ἔλοιτο ἐν  
 δημοκρατίᾳ ζῆν ἢ ἐν ὀλιγαρχίᾳ, τοῦτ' ἂν εὗροιτε  
 προχειρότατον, ὅτι πάντα πραότερ' ἐστὶν ἐν δημο-  
 52 κρατίᾳ. ὅτι μὲν τοίνυν τῆς ὅπου βούλεσθε ὀλι- 609  
 γαρχίας οὗτος ἀσελγέστερος γέγονεν, παραλείψω.

<sup>m</sup> ἐθέλετ' Z Bekk. Bens. θέλετ' ΣΤΩrs. θέλοιτ' Blass.

§ 51. ὡς οὐ χρῆν] 'that pay-  
 ment ought not to have been ex-  
 acted.' K. omits to mark the  
 tense. The speaker is obliged  
 to argue that the habitual prac-  
 tice of the sovereign people  
 must be right in the main, how-  
 ever much one may criticise it  
 in detail.

τῶν ἄλλων εἵνεκα] 'for the good  
 of the rest': 'of the community  
 in general, not of any particular  
 individual who might happen to  
 be interested,' R. W. Benseler  
 alone takes ἄλλων as neuter, 'on  
 all other accounts.' Cobet *Misc.*  
*Crit.* p. 524 writes: 'Quid sit  
 autem τῶν ἄλλων ἐνεκα neque  
 intelligo neque emendare pos-  
 sum.'

τοσοῦτων χρημάτων] The argu-  
 ment of § 45 is repeated: and  
 τοσοῦτων is 'such paltry sums,'  
*tantula summa*, G. H. Schaefer.

§ 52. ἀσελγέστερος] In the  
 orators ἀσελγής, originally per-  
 haps 'untamed' (θέλγω), is ap-  
 plied to 'outrageous' conduct in  
 general, either in the direction  
 of (1) brutality, or (2) licentious-  
 ness, the usual meaning in later  
 Greek, as in the N. T. For (1)  
 we have Auct. iv. Phil. p. 131  
 § 2 ἡ μὲν οὖν ἀσελγεια καὶ πλεονε-  
 ξία, ἣ πρὸς ἅπαντας ἀνθρώπους  
 Φίλιππος χρῆται. Mid. p. 521  
 § 19 τὰ μὲν οὖν εἰς ἐμὲ καὶ τοὺς  
 φυλέτας ἡσεληγμένα of the be-  
 haviour of Midias in the theatre:  
 ib. p. 534 § 60 of others more  
 scrupulous than Midias ἅπας τις  
 ὥκνει τῆς ἀσελγείας ταύτης αὐτό-  
 χειρ ὀφθῆναι γιγνόμενος. Hyperid.  
 pro Euxen. col. 39, 7 Φιλοκράτη  
 τὸν Ἀγνούσιον, ὃς θρασύτατα καὶ  
 ἀσελγέστατα τῇ πολιτείᾳ κέχρηται.  
 For (2) ii. Olynth. p. 23 § 19 οὗς  
 ἐνθάδε πάντες ἀπῆλυνον ὡς πολὺ

ἀλλὰ παρ' ἡμῖν πότε πώποτε δεινότατα ἐν τῇ πόλει γέγονεν; ἐπὶ τῶν τριάκοντα, πάντες αὖ εἴποιτε. τότε τοίνυν, ὡς ἔστιν ἀκούειν, οὐδεὶς ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι, ὅστις ἑαυτὸν οἴκοι κρυψείν, ἀλλὰ τοῦτο κατηγοροῦμεν τῶν τριάκοντα, ὅτι τοὺς ἐκ τῆς ἀγορᾶς ἀδίκως ἀπήγον. οὗτος<sup>n</sup> τοίνυν τοσαύτην ὑπερβολὴν ἐποιήσατο ἐκείνων τῆς αὐτοῦ βδελυρίας ὥστ' ἐν δημοκρατίᾳ πολιτευόμενος τὴν ἰδίαν οἰκίαν ἐκάστω δεσμωτήριον καθίστη, τοὺς  
 53 ἑνδεκα ἄγων ἐπὶ τὰς οἰκίας. καίτοι, ὧ ἄνδρες Ἀθηναῖοι, τί οἴεσθε, ὅπότ' ἀνθρωπος πένης, ἢ καὶ πλούσιος, πολλὰ δ' ἀνηλωκὼς καί τιν' ἴσως τρόπον εἰκότως οὐκ εὐπορῶν ἀργυρίου, ἢ τέγος ὡς τοὺς γείτονας

<sup>n</sup> οὗτος Z Bekk.

τῶν θανατοποιῶν ἀσελγεστέρους ὄντας, Καλλίαν ἐκείνον τὸν δημόσιον καὶ τοιοῦτους ἀνθρώπους, μίμους γελοίων καὶ ποιητὰς αἰσχυρῶν ἀσμάτων κ. τ. λ. Contr. Phorm. p. 958 § 45 ζῆς ἀσελγῶς ὥστε τοὺς ἀπαντῶντας αἰσθάνεσθαι. The former is evidently the meaning here.

πότε πώποτε] Cobet corrects πότε τῶν πώποτε here and || Timocr. 163, comparing ib. § 16 νόμῳ τῶν πώποτε ἐν ὑμῖν τεθέντων αἰσχίστῳ καὶ δεινοτάτῳ. The constructions are not really parallel, and the addition of the article does not remove, but introduces a harshness.

οἰκίαις ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι] The misdeeds of the Thirty are here extenuated in order to set off those of Androtion. Lysias tells a different tale, c. Eratosth. *passim*, and especially § 8 διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον καὶ ἐμὲ μὲν ξένους ἐστιώνοντα κατέλαβον:

cf. c. Agorat. §§ 35—38. In reality, the Thirty selected for their victims not merely the prominent democratic leaders, but any whose wealth tempted their rapacity. The constitutional maxim that 'an Englishman's house is his castle' was perhaps more strongly asserted in days when the real liberties of the people were less secure than now. I am not aware of any other passage in the Orators where the same assertion is made as to the Athenian law.

τοσαύτην ὑπερβολὴν — βδελυρίας] The sense of this is plain: = τοσοῦτον ὑπερέβαλε τῇ αὐτοῦ βδελυρίᾳ τὴν ἐκείνων. The construction has been felt as a difficulty, and no precisely similar passage has been adduced: it may be said that ἐκείνων is gen. after the compound of ὑπέρ, βδελυρίας after the noun ὑπερβολήν.

ὑπερβαίνοι, ἢ ὑποδύοιθ' ὑπὸ κλίνην, ὑπὲρ τοῦ μὴ τὸ σῶμα ἰλοὺς εἰς τὸ δεσμωτήριον ἔλκεσθαι, ἢ ἄλλα ἀσχημονοίη, ἢ δούλων, οὐκ ἐλευθέρων ἐστὶν ἔργα, καὶ ταῦθ' ὑπὸ τῆς αὐτοῦ γυναικὸς ὀρφῶτο ποιῶν, ἢν ὡς ἐλεύθερος ἡγγυήσατο καὶ τῆς πόλεως πολίτης, ὁ δὲ τούτων αἴτιος Ἀνδροτίων εἶη, ὃν οὐδ' ὑπὲρ αὐτοῦ δίκην λαμβάνειν ἐᾷ τὰ πεπραγμένα καὶ βε-  
 54 βιωμένα, μή τί γ' ὑπὲρ τῆς πόλεως; καίτοι εἴ τις ἔροιτ' αὐτόν, τὰς εἰσφοράς πότερον τὰ κτήματα ἢ τὰ σώματα ὀφείλει, τὰ κτήματα φήσειεν ἄν, εἴπερ ἀληθῆ λέγειν βούλοιτο· ἀπὸ γὰρ τούτων εἰσφέρομεν. τίνος οὖν ἔνεκα ἀφείς τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας καὶ ταῦτ' ἀπογράφειν, ἔδεις καὶ ὕβριζες πολί-  
 τας ἀνθρώπους καὶ τοὺς ταλαιπώρους μετοίκους, οἷς ὑβριστικώτερον ἢ τοῖς οἰκέταις τοῖς σαυτοῦ κέχρη-

§ 53. τὸ σῶμα] 'Additum est, ne ἄλοὺς sensu judiciali intelligatur,' G. H. Schaefer: i.e. ἄλοὺς means simply 'caught,' not 'convicted.' This note of Schaefer's answers by anticipation Cobet's proposal to strike out τὸ σῶμα.

ἢ ἄλλα ἀσχημονοίη] 'or commit other improprieties' K. It is rather, 'or be otherwise humiliated,' seen in an undignified plight; not what he *does*, but the unseemliness of his *situation*.

ἡγγυήσατο] The distinction of ἐγγυᾶν and ἐγγυᾶσθαι is brought out in Lex ap. Demosth. II. Steph. p. 1134 § 18 ἢν ἂν ἐγγυήσῃ ἐπὶ δικαίοις δάμαρτα εἶναι ἢ πατὴρ ἢ ἀδελφὸς ὁμοπάτωρ compared with c. Eubul. p. 1311 § 41 ἐγγυᾶται ὁ πατὴρ τὴν μητέρα τὴν ἐμὴν παρὰ τοῦ ἀδελφοῦ αὐτῆς.

οὐδ' ὑπὲρ αὐτοῦ] If he were

ἄτιμος, as he deserves to be, his mouth would be shut: he would have no *locus standi* before the courts.

§ 54. δημεύειν...ἀπογράφειν] 'sequestrating lands and houses, and scheduling them' ['sequestering' K. somewhat oddly for a lawyer]. *Dict. Antiq.* s. v. *Apo-graphé*, and § 48 n.

ὑβριστικώτερον ἢ τοῖς οἰκέταις] 'Even more marked than this abandonment of arms was the strong feeling about ὕβρις, as they called it, about personal violence, which they would not allow even towards slaves... Hence any man, whether concerned [interested?] in the outrage or not, was allowed to prosecute the offender.' Mahaffy's *Social Life in Greece*, ed. 3, p. 390: where further illustrations are given from Aeschin. Timarch. § 17, Isocr. c. Lochit. (Or. 20, *passim*), Demosth. c.



55 *σαι; καὶ μὴν εἰ θέλοιτε*<sup>ο</sup> *σκέψασθαι τί δούλον ἢ* 610  
*ἐλεύθερον εἶναι διαφέρει, τοῦτο μέγιστον ἂν εὖροιτε,*  
*ὅτι τοῖς μὲν δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάν-*  
*των ὑπεύθυνόν ἐστι, τοῖς δ' ἐλευθέροις, καὶ τὰ μέ-*  
*γιστ' ἀτυχῶσιν*<sup>η</sup>, *τοῦτό γ' ἔνεστι σῶσαι· εἰς χρήματα*  
*γὰρ τὴν*<sup>ι</sup> *δίκην περὶ τῶν πλείστων παρὰ τούτων*  
*προσῆκει λαμβάνειν. ὁ δὲ τούναντίον εἰς τὰ σώματα,*  
 56 *ὥσπερ ἀνδραπόδοις, ἐποίησατο*<sup>ρ</sup> *τὰς τιμωρίας. οὕτω*

<sup>ο</sup> *ἐθέλητε* Z Bens. *θέλετε* B.  
*ἀδικούντες* Bekk. *Illud* ΣΤΩς.

<sup>ρ</sup> *ἐποιεῖτο* Z Bekk. Bens. *cum* Σr.

<sup>η</sup> *μέγιστα τύχῳσιν*  
<sup>ι</sup> *τὴν om.* Bens., *cum* ΣΑΤΩKRS.

Nicostr. p. 1251 § 16, and the tract on the Athenian Polity (in Xenophon's works, c. i. § 10). The statement of Demosthenes (Mid. p. 529 § 46) that a *ὑβρεως* *γραφὴ* protected the persons of slaves as well as of freemen, is probably to be understood with limitation to the particular kind of *ὑβρις* referred to by Aeschines l. c. Compare *Dict. Antiq.* s. v. *Hybreos* *Grapphé*. For the darker side of the treatment of slaves, see Prof. Mahaffy's work, p. 243.

§ 55. *καὶ τὰ μέγιστα ἀτυχῶσιν*]  
 A much better reading than *μέγιστα τύχῳσιν ἀδικούντες*, but it should be written, with Benseler and Cobet, *μέγιστ' ἀτυχῶσιν*. The hiatus of *a* before *a* is intolerable. Like the euphemistic use of 'wanted' and 'being in trouble' by our policemen and others, *ἀτυχεῖν* had special reference at Athens to *ἀτιμία*. A passage in Mid. p. 533 §§ 58—60 is interesting for the feeling it displays on this point. Demosthenes first apologises for naming men in public and alluding to their misfortunes: *παραιτήσομαι δ'*

*ὡμᾶς μηδὲν ἀχθεσθῆναι μοι, ἐὰν ἐπὶ συμφοραῖς τινῶν γεγονότων ὀνομαστὶ μνησθῶ*, where Buttmann notes '*ἐπὶ συμφοραῖς γεγόνότες sunt ἡτιμωμένοι*' [he should have said *ἡτιμωμένοι*]. He then mentions the cases of Sannio a chorus trainer (*οὗτος ἀστρατείας ἦλω καὶ κέχρηται συμφορᾷ. τοῦτον μετὰ τὴν ἀτυχίαν ταύτην...*) and Aristides a member of a chorus who had once been its coryphaeus (*ἡτυχηκώς τι καὶ οὗτος τοιοῦτον*). It appears that the rival Choregi might legally have objected to the employment of these men: and they were strongly tempted to do so, for, as Demosth. observes, if you deprive it of its leader the rest of the chorus is ruined (*σῆχεται*). But they refrained from pressing their objection, involving, as it would have done, the arrest of the defendants: partly, no doubt, from humanity, but chiefly, as Demosth. insists, from regard to the sacred character of the festival: they thus serve to point a moral against Midias, who was no choregus engaged in an expensive and jealous contest, but a private man. Compare

δ' αἰσχροῦς<sup>s</sup> καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς ὥστε τὸν μὲν ἑαυτοῦ πατέρα ὤετο δεῖν, δημοσίᾳ δεθέντ' ἐπὶ χρήμασιν ἐν τῷ δεσμωτηρίῳ, μήτε ἀποδόντα ταῦτα μήτε κριθέντ' ἀποδρᾶναι, τῶν δ' ἄλλων πολιτῶν τὸν μὴ δυνάμενον τὰ ἑαυτοῦ θεῖναι οἴκοθεν εἰς τὸ δεσμωτήριον ἔλκεσθαι. εἰτ' ἐπὶ τούτοις, ὡς ὅτιοῦν ἐξὸν ἑαυτῷ ποιεῖν, Σινώπην προσηνεχύραζε καὶ Φα-

<sup>s</sup> ἀνίσως Blass.

below § 62 τὰς ἰδίας συμφορὰς ὀνειδίζειν καὶ προφέρειν ἐκάστω. Timocr. §§ 132, 200.

§§ 56—58. *Though the son of a man who had broken prison and escaped the payment of his just debts, Androtion does not hesitate to bring false and cruel charges of indebtedness to the state against innocent persons.*

§ 56. The rhetorical antithesis here is extremely well worked out, and shows the early maturity of δεινότης in the young orator. Andron, the father of Androtion, (1) escapes from a prison (2) in which he has actually been incarcerated (3) by public authority, δημοσίᾳ δεθέντα, (4) for debts really due to the treasury (ἐπὶ χρήμασι sc. κοινοῖς, supplied by Reiske). Androtion (1) drags to a prison (2) from their own homes (3) without authority (4) people who have not the means of paying what they never owed (τὰ ἑαυτοῦ explained by μηδὲν ὀφειλόντων below). It is implied, on the one hand, that it is worse to break prison than to escape from custody before one has reached the prison (hence ἐν τῷ δεσμωτηρίῳ is added to δεθέντα): on the other, that dragging men from their homes (οἴκοθεν) is worse than mere unlawful de-

tention. Compare Quintilian's analysis (VIII. 4, § 8) of the way in which Cicero heightens the effect in II. Phil. 25 § 63: Per se deforme, vel non in coetu, vomere: in coetu, etiam non populi: populi, etiam non Romani: vel, si nullum negotium gereret: vel, si non publicum: vel, si non magister equitum.

ὤετο δεῖν...ἀποδρᾶναι] 'allowed to escape' K. But the words need not imply that A. had either assisted or connived at the escape; they may mean merely that the son of a man who had escaped from prison might be expected to show some feeling for prisoners. On ὤετο δεῖν, cf. § 32 η.

μήτε ἀποδόντα...μήτε κριθέντα] There were two lawful modes of terminating his imprisonment: by paying the claim without disputing it, or by standing his trial and obtaining an acquittal. Andron chose neither. The first extract from this passage in the Timocrates ends with this sentence; ἔλκεσθαι is there expanded into ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι.

προσηνεχύραζε] In Timocr. § 197 these oppressive proceedings are further described; Androtion, and his associate Timocrates, distrain upon the fixtures, fur-

νοστράτην, ἀνθρώπους πόρνas, οὐ μέντοι<sup>†</sup> ὀφειλούσας  
 57 εἰσφορίας. καίτοι εἴ τισιν ἄρα\* δοκοῦσιν ἐπιτήδεια  
 ἐκείναι παθεῖν, ἀλλὰ τὸ πρᾶγμα γ' οὐκ ἐπιτήδειον  
 γίγνεσθαι, τηλικούτῳ τινας φρονεῖν διὰ καιρὸν ὥστε  
 βαδίζειν ἐπ' οἰκίας καὶ σκεύη φέρειν μηδὲν ὀφειλόν-

<sup>†</sup> μέντοι γε Σ Bekk. μέντοι γ' Bens. \* ἄρα Bl.

niture, and slaves of their vic-  
 tims: μηδένα πώποτ' ἐλεῆσαι,  
 ἀλλὰ θύρας ἀφαιρεῖν καὶ στρώμαθ'  
 ὑποσπᾶν καὶ διάκονον, ἣ τις ἐχρη-  
 το, ταύτην ἐνεχυράζειν. The usage  
 of ἐνεχυράζειν (the compound  
 προσενεχ. occurs only here) ap-  
 pears to vary between (1) the  
 acc. of the person distrained  
 upon, and (2) the acc. of the  
 property seized. In the passage  
 just cited from the Timocrates  
 it is clearly the latter: ἡ διάκονος  
 must be a female slave who is  
 part of the property. So in  
 Aeschin. Ctes. § 21 ἐνεχυράζει  
 ὁ νομοθέτης τὰς οὐσίας τὰς τῶν  
 ὑπευθύνων, ἕως ἂν λόγον ἀποδώσι  
 τῇ πόλει. In Mid. p. 518 § 10 μὴ  
 ἐξεῖναι μήτε ἐνεχυράσαι μήτε λαμ-  
 βάνειν ἕτερον ἐτέρου, and c. Everg.  
 p. 1163 § 79 εἰ δ' ἐμοὶ ὠργίσθητε  
 ὅτι ἐνεχυράσων ἦλθον ἐπὶ τὴν οἰ-  
 κίαν τοῦ Θεοφύμου, the construc-  
 tion is (apparently) absolute:  
 'to take pledges,' not 'to take  
 in pledge.' In the present pas-  
 sage K. is unquestionably right  
 in giving (1) as the meaning,  
 'he distrained upon Sinope and  
 Phanostrata, women of the town  
 certainly, but not owing any  
 property-tax.' Had they been  
 slaves, seized in payment of a  
 state demand, the hardship (ac-  
 cording to Athenian notions)  
 would have been upon their  
 master, not themselves.

ἀνθρώπους πόρνas] The fem.  
 ἡ ἀνθρωπος, like the conventional  
 English use of 'a person' for

one who does not rank as a  
 'lady,' is applied to women of  
 the lower classes generally, whe-  
 ther bond or free. L. and S.  
 remark that it is used 'con-  
 temptuously, of female slaves.'  
 In reality the expression implies  
 pity quite as often as contempt,  
 and as it is not noticed in the  
 index to Demosthenes, it may  
 be worth while to cite some pas-  
 sages where it is certainly ap-  
 plied (as here) to free persons.  
 In Dem. de Fals. Leg. pp. 402—3  
 §§ 197—8 (= 218, 220 R. S.) the  
 victim of the outrage of which  
 Demosth. (falsely it would seem)  
 accuses Aeschines is called ἡ  
 ἀνθρωπος: yet she was a respect-  
 able married woman, ἐλευθέραν  
 καὶ σώφρονα § 196, the wife of  
 Aristophanes of Olynthus, Aes-  
 chin. de F. L. § 154. Again the  
 μέτοικος whom Aristogiton cru-  
 elly tried to sell as a slave, but  
 who was proved to be free, is ἡ  
 ἀνθρωπος i. Aristogit. p. 787 § 57.

§ 57. παθεῖν] absolutely, 'fit  
 to be harshly treated.' The  
 aorist is used, as he is speaking  
 of this particular case; in the  
 next sentence the application is  
 general, and he says πᾶσχειν.

τηλικούτῳ τινας φρονεῖν διὰ και-  
 ρόν] 'that persons should be so  
 insolent upon opportunity of-  
 fered:' because of the opportu-  
 nity which tempted them to vio-  
 lence.

σκεύη φέρειν] would generally  
 mean 'to carry baggage,' for

των ἀνθρώπων. πολλὰ γὰρ ἂν τις ἴδοι πολλοὺς ἐπιτηδεIOUS ὄντας<sup>v</sup> πᾶσχειν καὶ πεπονθέναι. ἀλλ' οὐ ταῦτα λέγουσιν οἱ νόμοι οὐδὲ τὰ τῆς πολιτείας ἔθνη, ἃ φυλακτέον ὑμῖν· ἀλλ' ἔνεστιν ἔλεος, συγγνώμη, 58 πᾶνθ' ὅσα προσήκει τοῖς ἐλευθέροις. ὦν οὗτος ἀπάντων εἰκότως οὐ μετέχει τῇ φύσει οὐδὲ τῇ παιδείᾳ· πολλὰ γὰρ ὕβρισται καὶ προπεπηλάκισται συνῶν οὐκ ἀγαπῶσιν αὐτὸν<sup>x</sup> ἀνθρώποις, ἀλλὰ δοῦναι 611 μισθὸν δυναμένοις· ὦν προσήκέ σοι τὴν ὀργὴν οὐκ εἰς τῶν πολιτῶν τὸν τυχόντ' ἀφίεναι οὐδ' εἰς τὰς ὁμοτέχνους πόρνas, ἀλλ' εἰς τὸν τοῦτον τὸν τρόπον σε θρέψαντα.

59 Ταῦτα τοίνυν ὥς μὲν οὐ δεινὰ καὶ παρὰ πάντας τοὺς νόμους οὐχ ἔξει λέγειν οὗτος· οὕτω δ' ἐστὶν ἀναιδὴς ὥστ' ἐν τῷ δήμῳ, προάγωνas ἀεὶ κατασκευάζων αὐτῷ τῇσδε τῆς γραφῆς, ἐτόλμα λέγειν ὥς ὑπὲρ

<sup>v</sup> om. Bens. cum ΣΤΩrs.

<sup>x</sup> αὐτὸν Bekk. Bens. cum ΣΤΩrs.

which Xenophon's usual word is *σκευοφορεῖν*: the context shows that the sense here is to 'carry away furniture,' of which *στρώμαθ' ὑποσπᾶν* Timocr. l. c. is a particular instance.

§ 58. τὰς ὁμοτέχνους πόρνas] Whatever we may think of the good taste of this passage, there can be no question as to its *δεινότης*—telling force of expression. It is difficult to agree with Cobet (*Misc. Crit.* p. 525) that this *δεινότης* is improved by the omission of *πόρνas*.

§§ 59—64. Restatement and expansion of the argument in § 42, as to the cause of Androtion's unpopularity. *It is not, as he pretends, because he has discharged an invidious duty in a patriotic spirit, but because he 'added insult to injury' in his*

mode of collecting the tax. And the proof by contrary is, that Satyrus, who collected a much larger sum for the navy estimates, incurred no unpopularity, as he gave no offence by his manner of levying it. The jury, if by their verdict they shield from punishment such callousness and dishonesty as Androtion's, will be thought to resemble him.

§ 59. προάγωνas ἀεὶ κατασκευάζων] 'striving always to anticipate his defence to this indictment, he dared repeatedly (ἐτόλμα) to say,' &c. Modern edd. accent the word προάγων, the older προαγών. The Scholiast Ulpian explains: Προαγώνες εἰσι λόγοι οἱ προευντρεπίζοντες ἡμῖν τῶν δικαστῶν τὴν ἀκοήν· ἀγών γὰρ ἡ κρίσις.

ὑμῶν καὶ δι' ὑμᾶς ἐχθροὺς ἐφ' ἑαυτὸν εἴλκυσε<sup>5</sup> καὶ  
 νῦν ἐν τοῖς ἐσχάτοις ἐστὶ κινδύνοις. ἐγὼ δ' ὑμῖν,  
 ὦ ἄνδρες Ἀθηναῖοι, βούλομαι δεῖξαι τοῦτον οὔτε  
 πεποιθότα οὐδ' ὅτιοῦν κακὸν οὔτε μέλλοντα πᾶσχειν  
 οὐδὲν δι' ὧν ὑπὲρ ὑμῶν ἔπραξε, διὰ μέντοι τὴν αὐτοῦ  
 βδελυρίαν καὶ θεοισεχθρίαν πεποιθότα μὲν μέχρι  
 τῆσδε τῆς ἡμέρας οὐδέν, πεισόμενον δ', ἂν τὰ δίκαια  
 60 ποιῇθ' ὑμεῖς. σκέψασθε γὰρ ᾧδί. τί ποθ' ὑμῖν  
 οὔτος ὑπέσχετο καὶ τί ποιεῖν αὐτὸν ἐχειροτονησάθ'  
 ὑμεῖς; χρήματ' εἰσπράττειν. ἄλλο δὲ πρὸς τούτῳ  
 τί ποιεῖν; οὐδὲ ἓν. φέρε δὴ καθ' ἕκαστον ὑπομνήσω  
 τὴν εἰσπραξιν ὑμᾶς. οὔτος εἰσέπραξε Λεπτίνην τὸν  
 ἐκ Κοίλης τέτταρας καὶ τριάκοντα δραχμᾶς, καὶ  
 Θεόξενον τὸν Ἀλωπεκῆθεν δραχμᾶς ἑβδομήκοντα  
 καὶ μικρόν τι πρὸς, καὶ τὸν Εὐφήρου Καλλικράτην  
 καὶ τὸν Τελέστου νεανίσκον· οὐκ ἔχω γὰρ τοῦνομ'  
 εἰπεῖν· σχεδὸν δὲ πάντας, οὓς εἰσέπραξεν, ἵνα μὴ  
 καθ' ἕκαστον λέγω, οὐκ οἶδ' εἴ τιν' ὑπὲρ μᾶν ὀφεί-

<sup>5</sup> εἴλκυε Bl. cum Fty.

θεοισεχθρίαν] The various readings show that MS. Σ has here almost alone escaped interpolation. It is proper to write θεοῖς ἐχθρὸς as two words, θεοισεχθρία as one, like καλὸς κάγαθός but καλοκαγαθία: Cobet, Nov. Lect. p. 394, Sandys on Isocr. Paneg. § 79. The word being a rare one, -εχθρίαν was confused with the adj. ἐχθράν, and αἰσχροκέρδειαν supplied to make sense: cf. Timocr. § 195. In Aristoph. Vesp. 418 θεοισεχθρίαν, variously corrupted in the MSS., was first restored by Bentley, according to Dindorf; after him by Dobree *Advers.* i. 198.

§ 60. Λεπτίνην τὸν ἐκ Κοίλης] Whether this was the Leptines

against whose law Demosth. made his famous speech is uncertain. In a naval inscription in Boeckh pp. 377—8, mention is made of this Leptines in connexion with his heir, who was among the trierarchs about B.C. 345—342; Λεπτίνου ἐκ Κοίλης Ὀνομακλήης Ἐκαλήθην.

μικρόν τι πρὸς] G. H. Schaefer compares for this phrase i. Phil. p. 47 § 28 τάλαντα ἐνενήκοντα καὶ μικρόν τι πρὸς; and for τὸν Τελέστου νεανίσκον, Plat. Gorg. 418 E τὸν Πυριλάμπους νεανίαν. The amounts levied from Callicrates son of Eupherus (or Euphemus) and 'the young son of Telestus' are not mentioned.

εἴ τινα ὑπὲρ μᾶν] Boeckh



61 λοντα. πότερ' οὖν οἴεσθε τούτων ἕκαστον μισεῖν  
καὶ πολεμεῖν αὐτῷ διὰ τὴν εἰσφορὰν ταύτην, ἢ τὸν 612  
μὲν αὐτῶν, ὅτι πάντων ἀκούοντων ὑμῶν ἐν τῷ δήμῳ  
δοῦλον ἔφη καὶ ἐκ δούλων εἶναι καὶ προσήκειν αὐτῷ  
τὸ ἕκτον μέρος εἰσφέρειν μετὰ τῶν μετοίκων, τῷ δὲ<sup>2</sup>  
παῖδας ἐκ πόρνης εἶναι, τοῦ δὲ τὸν πατέρ' ἡταιρη-  
κέναι, τοῦ δὲ τὴν μητέρα πεπορνεῦσθαι, τὸν δὲ ἀπο-  
γράφειν ὅσ' ὑφείλετ' ἐξ ἀρχῆς, τὸν δὲ τὸ δεῖνα,  
τὸν δὲ ὁμοῦ ῥητὰ καὶ ἄρρητα κακὰ, ἐξῆς ἅπαντας ;  
62 ἐγὼ μὲν γὰρ οἶδ' ὅτι πάντες, εἰς οὓς ἐπαρώνησεν

<sup>2</sup> δ' ὅτι Bens. cum libris. Illud e coni. Reiskii.

P. E. p. 531 has some remarks on the number of persons required to make up Androtion's seven talents by such small contributions: and R. W. aptly points out that *ὀλίγους* in § 42 may be inaccurately used by Demosth. in his wish to disparage the services of Androtion.

§ 61. τὸν μὲν αὐτῶν, ὅτι] The construction is changed, as Kennedy observes in a note, and indicates by the turn given to the sentence in his translation: instead of τῷ δὲ παῖδας...εἶναι we should have expected τὸν δέ, ὅτι ἔφη...εἶναι. 'Or rather for different reasons: one, *because* he said—another he declared had children.'

τὸ ἕκτον μέρος εἰσφέρειν] The *εἰσφορὰ* was of the nature of a graduated property (not income) tax; the division into classes and corresponding rates of taxation have been made out with great probability by Boeckh P. E. p. 519: his corrected views are given in *Dict. Antiq.* s. v. *Eisphora*, p. 713 a. I have there suggested that the *μέτοικοι* 'may have paid the same quotas as the citizens, with a *προσκατά-*

*βλημα* or additional charge of one-sixth.'

ἐξ ἀρχῆς] The older critics and translators understood this of the plunder of 'office.' G. H. Schaefer first saw that it simply meant 'from the beginning' of his career, and has been universally followed.

τὸν δὲ τὸ δεῖνα] 'another he said this and that about; another he abused by wholesale; and so on with all.' K. Compare de Cor. p. 268 § 122 *βοᾶς ῥητὰ καὶ ἄρρητα ὀνομάζων, ὥσπερ ἐξ ἀμάξης*, Mid. p. 540 § 79 *τὴν μητέρα καμὲ καὶ πάντας ἡμᾶς ῥητὰ καὶ ἄρρητα κακὰ ἐξεῖπον*. On certain abusive terms expressly denounced as 'actionable,' see *Dict. Antiq.* s. v. *Aporrheta*.

§ 62. εἰς οὓς ἐπαρώνησεν] 'against whom he so intemperately conducted himself,' K., preserving the metaphor. Demosth. says below *τῇ σαντοῦ προπετεῖα καὶ θρασύτητι*. We need not think of actual intoxication: Mr Paley observes on c. Conon. p. 1257 § 4 '*πάροις* and *παροινεῖν* mean, not to be intoxicated,' but 'to be abusive over one's cups:' and here, it may be added,

οὗτος, τὴν μὲν εἰσφορὰν ἕκαστος ἀναγκαῖον ἀνάλωμ' ὑπελάμβανεν εἶναι, τοιαῦτα<sup>a</sup> δ' ἀτιμασθεῖς καὶ προπηλακισθεῖς χαλεπῶς ἐνήνοχεν. καὶ κεῖνο οἶδ', ὅτι χρήματ' εἰσπράττειν τοῦτον ἐχειροτονήσαθ' ὑμεῖς, οὐχὶ τὰς ἰδίας συμφορὰς ὀνειδίζειν καὶ προφέρειν ἐκάστω. εἴτε γὰρ ἦσαν ἀληθεῖς, οὐ σοὶ ῥητέαι (πολλὰ γὰρ ἡμῶν ἕκαστος οὐχ ὥς βούλεται πράττει). εἴτε μὴ προσηκούσας κατεσκεύαζες, πῶς οὐχ ὁτιοῦν  
 63 ἂν πάθοις δικαίως; ἔτι τοίνυν ἐκ τοῦδ' ἀκριβέστερον γινώσcesθε ὅτι μισεῖ τοῦτον ἕκαστος οὐ διὰ τὴν εἰσπραξιν, ἀλλ' ὑπὲρ ὧν ὑβρίσθη καὶ ἐπαρωνήθη. Σάτυρος γὰρ ὁ τῶν νεωρίων ἐπιμελητὴς οὐχ ἐπὶ τὰ τάλαντ' εἰσέπραξεν ὑμῖν, ἀλλὰ τέτταρα καὶ τριάκοντα τοὺς αὐτοὺς τούτους ἀνθρώπους, ἐξ ὧν παρέθηκε τὰ σκευὴ ταῖς ἐκπλευσάσαις ναυσίν· καὶ οὐτ'

<sup>a</sup> ταῦτα Z Bekk. Bens. cum ΣΥΝΓΡΑ<sup>m</sup>.

apply to violence, like that of a man in his cups, though not alcoholic in its origin. Dr Sandys on Isocr. Demon. § 30 and on Demosth. c. Conon. l. c. points out, in correction of Liddell and Scott (unaltered in ed. 7) that παροινεῖν is never used transitively in the active voice (παροινεῖν εἰς τινα, not παροινεῖν τινά): but like many other intransitive verbs it has a passive. So in the next section we find ὑβρίσθη καὶ ἐπαρωνήθη: and in de Fals. Leg. p. 403 § 198 = 220 ἀπώλετ' ἂν παροινουμένη, 'the victim of his drunken frolic' R. S.

χρήματα εἰσπράττειν τοῦτον (χρήματα εἰσπράττειν ἑαυτὸν ἰσχυρῶς) ἵνα χρήματα εἰσπράττοι. Donalds. Gr. p. 598.

εἴτε γὰρ ἦσαν ἀληθεῖς, οὐ σοὶ ῥητέαι] 'The greater the truth the greater the libel' was a

maxim of English law until Lord Campbell's Act of 1843. 'Sect. 6 of that Act allows, on an indictment or information for a defamatory libel, a plea that it was true and that its publication was for the public benefit.' P. Vernon Smith, *English Inst.* p. 64.

πολλὰ... πράττει] 'fares in many respects,' intransitive. Not to be confused with πολλὰ ποιεῖν, or with the phrase πολλὰ πράττειν 'to be a busybody.'

§ 63. ὁ τῶν νεωρίων ἐπιμελητὴς] *Dict. Antiq.* s. v. Epimeletae, no. 5. The duty of the ἐπιμεληταὶ in relation to the σκεύη, 'tackling' or 'naval stores' generally, is well brought out in [Demosth.] c. Everg. et Mnesib. p. 1145 §§ 20—22 especially δόθονα καὶ στρυππεῖα καὶ σχοῖνια, οἷς κατασκευάζεται τριήρης.

ἐκεῖνος διὰ ταῦτα οὐδένα ἐχθρὸν αὐτῷ φησὶν εἶναι, οὔτε τῶν εἰσπραχθέντων οὐδεὶς ἐκείνῳ πολεμεῖ. εἰκότως· ὁ μὲν γὰρ τὸ προστεταγμένον, οἶμαι, διεπράττετο, σὺ δὲ τῇ σαντοῦ προπετεία καὶ θρασύτητι λαβὼν ἐξουσίαν πόλλ' ἀνηλωκότας εἰς τὴν πόλιν 613 ἀνθρώπους καὶ σοῦ βελτίους καὶ ἐκ βελτιόνων ψευδέσι καὶ χαλεποῖς ὀνειδέσιν ᾧου δεῖν περιβάλλειν.

64 εἶτα ταῦθ' οὔτοι πεισθῶσιν ὑπὲρ αὐτῶν σε ποιεῖν, καὶ τὰ τῆς σῆς ἀναισθησίας καὶ πονηρίας ἔργ' ἐφ' αὐτοὺς ἀναδέξωνται; ἀλλὰ μισεῖν δικαιότερον διὰ ταῦτά σ' ὀφείλουσιν ἢ σῶζειν. τὸν γὰρ ὑπὲρ πόλεως πρᾶττοντά τι δεῖ τὸ τῆς πόλεως ἦθος μιμεῖσθαι, καὶ σῶζειν ὑμῖν τοὺς τοιούτους, ὧ ἄνδρες Ἀθηναῖοι, προσήκει, καὶ μισεῖν τοὺς οἴουσπερ<sup>c</sup> οὗτος. ὥς ἐκείνο

<sup>b</sup> καὶ δὴ Z Bekk. Bens. cum ΣΩ.

<sup>c</sup> οἴουσπερ Bekk. Dind., v. not.

βελτίους καὶ ἐκ βελτιόνων] 'of better character and better family.' So in Herod. ii. 143 § 5 Πέρωμιν ἐκ Πιρώμιος is 'a man and the son of a man,' as opposed to god or hero. Aristoph. Eq. 185—6 μῶν ἐκ καλῶν εἰ καγαθῶν; ΑΛ. μὰ τοὺς θεοὺς | εἰ μὴ 'κ πονηρῶν γ': where I observe that Dindorf omits to credit Elmsley with the correction εἰ μὴ 'κ for εἰμ' ἐκ of the MSS.

§ 64. ἀναισθησίας καὶ πονηρίας] 'take upon themselves (make themselves responsible for) the acts of your callousness and dishonesty.' ἀναισθησίας referring to his insults, πονηρίας to his unjust exactions. K. somewhat loosely translates 'wickedness and brutality.' The reading ἀναισχυντίας has not found favour with the editors, but is preferred on internal grounds by Cobet, *Misc. Crit.* p. 526.

σῶζειν] 'support, protect, countenance:' here opposed to μισεῖν, more usually to ἀπολλύναι. 'The form with ι σῶζω, thoroughly discussed by Usener in Fleckeisen's *Jahrb.* 1865, p. 238 f., is established by the Heracleian Tables (*κατεσῳξάμεσ* Stud. iv. 428), by Attic inscriptions of a very early date and by grammarians. Of course σῶζειν can only have come from σῳῖζω.' Curtius, *Gk. Verb.* p. 523, E. T. In other words, σῶζω is formed from adj. σῶος (in the best Attic σῶς, Timocr. § 106 n.) like καθαρίζω from καθαρός, σωφρονίζω from σῳφρων. Blass is the first editor who has restored the ι in Demosth.

τοὺς οἴουσπερ οὗτος] The best MSS., ΣFT, rightly followed by the Zurich editors, Benseler, and Cobet, *Var. Lect.* p. 551, *Misc. Crit.* p. 526, preserve the

εἰδόσι μὲν ἴσως, ὅμως δ' ἐρῶ· ὁποίους τινὰς ἂν φαίνησθε ἀγαπῶντες καὶ σώζοντες, τούτοις ὅμοιοι δόξετ' εἶναι.

- 65 Ὅτι τοίνυν ὅλως οὐδὲ τὴν εἴσπραξιν αὐτὴν ὑπὲρ ὑμῶν πεποιήται, καὶ τοῦτο αὐτίκα δὴ μάλα δῆλον<sup>d</sup> ὑμῖν ποιήσω. εἰ γάρ τις ἔροιτο αὐτὸν πότεροι αὐτῷ δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεῖα ἀναλώματα καὶ λειτουργίας ἐτέρας ἔλλελοι-

<sup>d</sup> μάλ' ἡμῖν δῆλον Bens.

attraction of οἷουσπερ=τοιούτους οἷσπερ. Compare § 77 οὐδ' οἷοισπερ σὺ χρώμενοι συμβούλοις, with the parallel passage of the Timocrates § 185. In the last instance the case is even stronger: all MSS. exhibit οἷοισπερ, which Bekker (followed by Dindorf) corrected as though it were a solecism. G. H. Schaefer, who had defended this attraction in his notes on Bos' *Ellipses*, writes here 'Nondum poenitet illa scripsisse, etsi meum mecum Dindorfium dis-sensisse vidi.'

§§ 65—78. The remainder of the speech, with the exception of a paragraph or two, is repeated in Timocr. § 172—186.

§§ 65—68. *His pretence of public spirit is easily exposed: for while levying arrears of taxes on men for whose shortcomings there was often the excuse of inability to pay, he has done nothing, in a long political career, for the repression of much more serious offences. The public treasury has been robbed of much larger sums, the contributions of our allies and of those who pay their taxes readily. Many ge-*

*nerals and orators have been brought to justice for these peculations: you, Androtion, never took your place as the accuser of any of these, never expressed indignation at the way the state was being fleeced. The fact is (here the speaker again turns to the jury) that Androtion, and men like him, are accomplices with such offenders and share largely in their illicit gains. He is one of that class of delinquents himself: he has treated you with contempt, in fact worse than slaves. Now is your opportunity to make an example of him.*

§ 65. αὐτίκα δὴ μάλα] The strengthening of αὐτίκα either by δὴ or μάλα is common both in Plato and the Orators. The doubly emphatic αὐτίκα δὴ μάλα occurs also Timocr. §§ 32, 172, 208, 1. Aristog. p. 778 § 29: and it appears from Shilleto's *Annot. Crit. on de Fals. Leg.* p. 346 § 18 that there is good MS. authority for the phrase in at least two or three other passages where it has not yet found its way into the printed texts. Cf. on Timocr. § 111.

πότες εἰσφοράν, ἣ οἱ τὰ τῶν ἐθελησάντων εἰσενεγκεῖν  
 χρήματα καὶ τὰ παρὰ τῶν συμμάχων κλέπτοντες καὶ  
 ἀπολλύντες, οὐκ ἂν εἰς τοῦτο τόλμης δῆπου<sup>ε</sup>, καίπερ  
 ὦν ἀναιδής, ἔλθοι ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ  
 εἰσφέροντας μᾶλλον [ἀδικεῖν] ἢ τοὺς τὰ κοινὰ ὑφαι-  
 66 ρουμένους. τίνος οὖν ἔνεκα, ὃ βδελυρέ, ἐτῶν ὄντων  
 πλειόνων ἢ τριάκοντα ἀφ' οὗ σὺ πολιτενεῖ, καὶ ἐν  
 τούτῳ τῷ χρόνῳ πολλῶν μὲν στρατηγῶν ἡδικοκώτων  
 τὴν πόλιν, πολλῶν δὲ ῥητόρων, οἱ παρὰ τουτοισι

<sup>ε</sup> δῆπου τόλμης Z Bekk. *Illud* S.

οἱ τὰ τῶν ἐθελησάντων...κλέπ-  
 τοντες καὶ ἀπολλύντες] K.'s ren-  
 dering, 'those who plunder your  
 allies and destroy the means of  
 people willing to pay the tax,'  
 contains several inaccuracies.  
 It should rather be 'those who  
 plunder and waste the money of  
 people who have readily paid their  
 property-tax, and that which  
 comes from the allies.' There  
 is, I think, no reference to the  
 levying of requisitions or other  
 ways of forcible extortion: the  
 money embezzled is that which  
 has already come into the trea-  
 sury, not that which is 'fructi-  
 fying in the pockets' of the  
 people: and it comes from two  
 main sources, the property-tax  
 (εἰσφορά) paid by the citizens  
 and the tribute (φόρος) paid by  
 the allies. τῶν ἐθελησάντων εἰσ-  
 ενεγκεῖν means simply those who  
 are not in arrear, opposed to  
 ἄλλοιπότες.

§ 66. πολλῶν μὲν στρατηγῶν  
 ...πολλῶν δὲ ῥητόρων] The most  
 conspicuous example of an ora-  
 tor so prosecuted during the 30  
 years ending B. C. 355 is that  
 of Callistratus, whose execution  
 had taken place the year before,  
 356. He had been capitally  
 condemned in 361 for his share

in the loss of Oropus (366): had  
 gone into exile, but had ventured  
 to return. The prosecutions of  
 Timotheus (acquitted 373, con-  
 victed and went into exile 358)  
 and of Iphicrates (acquitted 358,  
 but not afterwards employed)  
 had deprived Athens of her best  
 generals: at the close of the  
 Social War (356—5) the com-  
 mand was entrusted to the brave  
 but incapable and profligate  
 Chares. In commenting on one  
 of these transactions Grote is  
 rather too indulgent to 'the  
 terrible difficulties which the  
 Grecian generals now experience  
 in procuring money from Athens  
 (or from other cities in whose  
 service they are acting) for pay-  
 ment of their troops...and which  
 will be found yet more painfully  
 felt as we advance forward in the  
 history' (ch. 77, vii. 132). The  
 truth is more plainly stated by  
 a writer in *Dict. Biogr.* s. v.  
 Chares, who speaks of 'the  
 miserable system then prevail-  
 ing, when the citizens of Athens  
 would neither fight their own  
 battles nor pay the men who  
 fought them, and her command-  
 ers had to support their mer-  
 cenaries as best they could.' It  
 is, in fact, 'making war pay for



κέκρινται, ὧν οἱ μὲν τεθνᾶσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες<sup>f</sup> φεύγουσιν, οὐδενὸς πώποτε ἐξητάσθης κατήγορος, οὐδ' ἀγανακτῶν ὥφθης ὑπὲρ ὧν ἡ πόλις 614 πάσχει, οὕτως ὧν θρασὺς καὶ λέγειν δεινός, ἀλλ' 67 ἐνταῦθ' ἐφάνης κηδεμῶν ὧν<sup>g</sup>, οὐ σε πολλοὺς ἔδει κακῶς ποιῆσαι; βούλεσθε, ὦ ἄνδρες Ἀθηναῖοι. τὸ τούτων αἴτιον ἐγὼ ὑμῖν εἶπω; [ὅτι τούτων μὲν μετέχει ὧν ἀδικοῦσιν ὑμᾶς τινές, ἀπὸ δὲ τῶν εἰσπραττομένων ὑφαιρεῖται· δι' ἀπληστίαν δὲ τρόπων διχόθεν καρποῦται τὴν πόλιν. οὔτε γὰρ ῥᾶον πολλοῖς καὶ μικρ'<sup>h</sup>

<sup>f</sup> ἀποχ. Bens. ΣFTΩstv.

<sup>g</sup> κηδεμῶν ἡμῶν ὧν Bekk.

<sup>h</sup> τὰ μικρὰ Bekk. Bens. cum Σ. κατὰ μικρὰ Z cum Fkr.

itself' with considerably less success than in the case of the French revolutionary armies.

οὐδενὸς πώποτε ἐξητάσθης κατήγορος] Bekker inserts τούτων from one MS. and the parallel passage in the Timocrates. Harpocration: 'Ἐξετάζεσθαι ἀντὶ τοῦ ὁρᾶσθαι, Δημοσθένης κατὰ Στεφάνου (p. 1121 § 76 φιλοτιμούμενον ἐξετάζεσθαι 'to show oneself a man of public spirit') καὶ ἐν τῷ κατ' Ἀνδροτίωνος. He might have added περὶ τοῦ Στεφάνου: de Cor. p. 286 § 173 καὶ λέγων καὶ γράφων ἐξητάζομεν τὰ δεόνθ' ὑπὲρ ὑμῶν, 'proved, found on inquiry:' *ib.* p. 294 § 197 τοῦτο πεποιηκὼς ἐπὶ τοῖς συμβάσιν ἐξήτασαι. Other usages of ἐξετάζειν are discussed by Dr Sandys on i. Steph. p. 1124 § 76.

πάσχει] MSS. πάσχει. 'Equidem malim πάσχει' Bekk., which Dindorf adopted without comment and quite unnecessarily. The Attic writers by no means rigidly conform to the rules for the 'sequence of tenses.' Xenophon is perhaps the most regular. On the interchange of ind.

and opt. in dependent sentences cf. Madvig, *Synt.* § 130, b: Goodwin, *Moods and Tenses*, § 70, 2: and a note on Protag. 335 A.

θρασὺς καὶ λέγειν δεινός] § 25 n. Omitted in || Timocr.

§ 67. ὅτι τούτων μὲν] The MSS. here show signs of interpolation from || Timocr., giving mostly the plurals μετέχουσιν... ὑφαιροῦνται... καρποῦνται: and Benseler cuts matters short by reading τῶν μὲν ὑφαιρεῖται and omitting the intervening words. Cobet, conservative for once, agrees with Dindorf's reading in the text, *Misc. Crit.* p. 532.

οὔτε γὰρ ῥᾶον] 'For it is not more agreeable to quarrel with a large number of petty offenders than with a small number of great ones, and surely it is not more like a friend of the people to notice the crimes of the many than those of the few.' K. Androtion therefore, if an honest man, might more naturally be expected to prosecute generals and orators than poor people in arrear with their taxes.

ἀδικοῦσιν ἀπεχθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα, οὔτε δημοτικώτερον δῆπου τί τῶν πολλῶν ἀδικήματα ὀρᾶν ἢ τὰ τῶν ὀλίγων. ἀλλὰ τοῦτ' αἴτιον οὐγὰ λέγω.] τῶν μὲν οἶδεν ἑαυτὸν ὄντα, τῶν ἀδικούντων, ὑμᾶς δ' οὐδενὸς ἀξίους ἡγήσατο· διὸ τοῦτον ἐχρήσατο τὸν 68 τρόπον ὑμῖν. εἰ γὰρ ἀνδραπόδων πόλις, ἀλλὰ μὴ τῶν ἄρχειν ἐτέρων ἀξιούντων ὠμολογεῖτ' εἶναι, οὐκ ἂν, ὧ ἄνδρες Ἀθηναῖοι, τὰς ὕβρεις ἡνέσχεσθε τὰς τούτου, ἃς κατὰ τὴν ἀγορὰν ὕβριζεν ὁμοῦ μετοίκους, Ἀθηναίους, δῶν, ἀπάγων, βοῶν ἐν ταῖς ἐκκλησίαις, ἐπὶ τοῦ βήματος, δούλους καὶ ἐκ δούλων καλῶν ἑαυτοῦ βελτίους καὶ ἐκ βελτιόνων, ἐρωτῶν εἰ μάτην τὸ δεσμωτήριον ὠκοδομήθη. καταφαίην ἂν ἔγωγ', εἴ γ' ὁ πατήρ ὁ σὸς ὥχετ' αὐτόθεν αὐταῖς πέδαις ἐξορχησά-

τῶν μὲν οἶδεν] From here to the end of § 68 is not repeated in || *Timocr.*, which begins again at Ἀλλὰ νῆ Δία.

§ 68. ὠμολογεῖτε...ἡνέσχεσθε...ὕβριζεν] Each of these tenses has its significance. 'If you (now) acknowledged...you would not have endured (in the past) the insults he (repeatedly) offered.' Writing ἡνέσχεσθε with a single augment is certainly deferring too much to the sole authority of MS. Σ: all the others retain the usual Attic form ἡνέσχεσθε.

δῶν] Cobet names this passage (*Nov. Lect.* pp. 528—9) as one of many where he corrects δῶν &c. In *Misc. Crit.* p. 526 he repeats the correction with the remark 'Dicam de his formis alio loco,' apparently forgetting what he had said before. His rule could not be put more neatly than it is by Shilleto on Thucyd. i. 6, 3 ἀναδούμενοι: 'δέω (bind) and compounds invariably

are contracted. Thus τὸ δοῦν (literal) is distinguished from τὸ δέον (metaphorical).' In Plat. *Crat.* 419 A we have δέον καὶ ὠφέλιμον καὶ λυσιτελοῦν καὶ κερδαλέον contrasted with τὸ δὲ ἴσχυον καὶ δοῦν ψεγόμενον. *Ib.* 421 c τὸ ἰὸν καὶ τὸ ῥέον καὶ τὸ δοῦν. In Protag. 321 B the restoration of ὑποδῶν for ὑπὸ ποδῶν has greatly improved the sense of the passage.

καταφαίην ἂν ἔγωγε] 'Yes, I should say it was, when your father went dancing off with his fetters [rather, as R. W., 'fetters and all'] at the procession of the Dionysia,' K. who adds in a note (from the scholiast Ulpian) that 'at this time the prisoners were let out of gaol to enjoy themselves, and that Androtion's father availed himself of the privilege to escape.' Instead of ἀποδράς, ἐξορχησάμενος is humorously substituted, in allusion to the dancing at the festival (G. H. Schaefer).

μενος Διονυσίων τῇ πομπῇ. ἄλλα δ' ὅσ' ὕβρικεν  
οὐδ' ἂν ἔχοι τις εἰπεῖν· τοσαῦτα τὸ πλήθος ἐστίν.  
ὦν ἀθρόων ἄξιον λαβόντας δίκην τήμερον παράδειγμα  
ποιῆσαι τοῖς ἄλλοις, ἵν' ὦσιν μετριώτεροι.

- 69 Ἄλλὰ νῆ Δία ταῦτα μὲν<sup>i</sup> τοιοῦτός ἐστιν, ἐν οἷς  
πεπολίτευται, ἄλλα δ' ἔσθ' ἃ καλῶς διώκῃκεν· ἀλλὰ<sup>k</sup>  
τᾶλλ' οὕτω προσελήλυθεν πάντα πρὸς ὑμᾶς ὥσθ' ἦκι- 615

<sup>i</sup> μὲν om. Z cum ΣΥΩς, sed in Σ μὲν ab antiqua manu additum.

<sup>k</sup> ἀλλὰ καὶ Bens. cum Σkr || Timocr.

§§ 69—78. The melting down of the crowns, and recasting them as paterae, for which Androtion and his friend Timocrates are jointly responsible, is an act of gross fraud, since there was no proper control over the gold during the process (70, 71). And whereas the inscriptions upon them commemorated the gratitude of our allies, or Athenian victories (72), Androtion has obliterated these and put his own disgusting name in their place (73). In so doing, he and his accomplice have committed three disgraceful crimes; the goddess they have sacrilegiously despoiled of her crowns: in the state they have extinguished the glory accruing from those deeds, of which the crowns while they existed were a memorial: the dedicators they have robbed of no small honour, the credit of being grateful for obligations. And they take credit for all this (74). Again, A. has the tasteless vulgarity not to see that crowns are a token of merit, gold plate in any other form a merely ostentatious display of wealth (75). In his blindness he fails to perceive that the Athenian people have always preferred glory to riches: their splendour is displayed in their temples and

arsenals, not by the gold in their vaults. Their imperishable treasures are the remembrance of their great deeds, a fame that will never die (76, 77). How completely you, the Athenians of to-day, have degenerated from your ancestors, is sufficiently proven by the fact that Androtion, of all people in the world, has been chosen for a sacred function as repairer of the Panathenaic vessels (78).

§ 69. Ἄλλὰ νῆ Δία] Demosthenes' favourite phrase in introducing a bit of irony. In Plato sometimes ἀλλὰ δὲ, Lat. at enim or simply at.

τοιοῦτός ἐστιν] τοιοῦτοι γεγόνασιν || Timocr. and so throughout with the change to plural forms. The general meaning of this opening sentence, with its ταῦτα μὲν opposed to ἄλλα δέ, is well brought out in K.'s free translation: 'But perhaps, notwithstanding these political faults, there are other things which he has managed creditably. Nay, on the contrary (ἀλλὰ)...'

οὕτω προσελήλυθε πάντα πρὸς ὑμᾶς] προσέρχομαι is not here = προσφέρομαι 'to behave' (G. H. Schaefer, Dindorf, Kennedy), but, as Shilleto points out on Fals. Leg. § 2, is equivalent to πεπολίτευται in the preceding

στ' ἐν οἷς ἀκηκόατ' ἄξιός ἐστι μισεῖσθαι. τί γὰρ βούλεσθ' εἶπω ; τὰ πομπεῖ' ὡς ἐπεσκεύασε, καὶ τὴν τῶν στεφάνων καθαίρεσιν, ἣ τὴν τῶν φιαλῶν ποίησιν τὴν καλήν ; ἀλλ' ἐπὶ τούτοις γε εἰ μὴδὲν ἄλλ' ἀδικῶν ἔτυχεν τὴν πόλιν, τρὶς οὐχ ἅπαξ τεθνάναι δίκαιος ὢν φανεῖται. καὶ γὰρ ἱεροσυλία καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς δεινοτάτοις ἔστ' ἔνοχος.

70 τὰ μὲν οὖν πόλλ' ὢν λέγων ὑμᾶς ἐφενάκιζεν παραλείψω· φήσας δ' ἀπορρεῖν τὰ φύλλα τῶν στεφάνων

sentence: his whole political life (πάντα) is distinguished from a particular part of it (ταῦτα). So in Fals. Leg. l. c. ὅσοι πρὸς τὰ κοινὰ δικαίως προσέρχονται, and p. 373 § 99 = 114 ἐπειδὴν τις ἐαντὸν πείσας δύνασθαι προσέλθῃ. Compare the Lat. 'ad rempublicam accedere,' Cic. Rosc. Am. i. § 3, in Verr. Act. ii. i. 12 § 33.

ἥκιστα ἐν οἷς ἀκηκόατε] 'that what you have heard are the smallest grounds for detesting him.' ἐφ' οἷς would certainly be better Greek, and accordingly Cobet *Misc. Crit.* p. 527 assumes that Demosth. must have written it so, here and in || Timocr.

τὰ πομπεῖα ὡς ἐπεσκεύασε] § 48 n. ἐπισκευάζειν 'to repair' (especially to *refit* a ship, always distinguished from παρασκευάζειν *to fit out* originally) is euphemistically put for κατακόπτειν 'to break up.'

τὴν τῶν φιαλῶν ποίησιν τὴν καλήν] 'his famous manufacture of the plates' K.: but only an approximate rendering of φιαλῶν is possible. For the broad, flat, saucer shape of the φιάλη, see illustrations in *Dict. Antiq.* s. v. Patera. In modern works on art the word 'patera' is generally left untranslated

for want of an exact equivalent. In Rev. xvi. Luther's *Schalen*, 'cups,' comes nearer to the original than the 'vials' of the E.V.: and it is the word used by Benseler in translating Demosthenes. In the Revised Version 'bowls' is substituted for 'vials:' and is perhaps the best word that could be used here.

τοῖς δεινοτάτοις ἐστὶν ἔνοχος] ἔνοχος in the Orators, joined to a dative, means (1) 'liable to' a punishment, as de Fals. Leg. p. 404 § 201 = 223 ταῖς ἀραῖς ἔνοχος: Lys. i. Alcib. § 9 πάσαις ταῖς κειμέναις ζημίαις ἔνοχος: or (2) 'chargeable with, guilty of' a crime, as here and Antiph. Or. i. § 11 ἔνοχοι τῷ φόβῳ. The instances quoted for a genitive seem to disappear on examination: in Demosth. de Cor. Trierarch. p. 1229 § 4 ἔνοχοι δεσμῷ is now read, and in Lys. i. Alcib. § 5 ἔνοχος λιποταξίου οὐδὲ δειλίας the dative may easily be supplied.

§ 70. φήσας δ' ἀπορρεῖν τὰ φύλλα] For Androtion to be able to allege this, however absurdly, some at least of the crowns could not have been of solid gold, but of some kind of 'gold leaf.'

καὶ σαπρούς εἶναι διὰ τὸν χρόνον, ὥσπερ ἴων ἢ ῥόδων ὄντας, ἀλλ' οὐ χρυσίου, συγχωνεύειν ἔπεισεν. καὶ τ' ἐπὶ μὲν ταῖς εἰσφοραῖς τὸν δημόσιον παρεῖναι προσέγραψεν ὡς δὴ<sup>1</sup> δίκαιος ὢν, ὃν ἕκαστος ἀντιγραφεὺς ἔμελλεν ἔσσεσθαι τῶν εἰσενεγκόντων· ἐπὶ τοῖς στεφάνοις δ', οὓς κατέκοπτεν, οὐχὶ προσήγαγε ταὐτὸ δίκαιον τοῦτο, ἀλλ' αὐτὸς ῥήτωρ<sup>m</sup>, χρυσοχόος, ταμίης, ἀντιγραφεὺς γέγονεν. καὶ μὲν εἰ μὲν ἅπαντ' ἡξίους, ὅσα πράττεις τῇ πόλει, στυγῶ πιστεύειν, οὐκ ἂν ὁμοίως κλέπτῃς ὢν ἐφωρῶ· νῦν δ' ἐπὶ ταῖς εἰσφοραῖς ὁ δίκαιον ἐσθ' ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ τοῖς αὐτῆς δούλοις τὴν πόλιν, ὅπότ' ἄλλο τι πράττων καὶ χρήματα κινῶν ἱερά, ὃν ἔνι οὐδ' ἐπὶ τῆς ἡμετέρας γενεᾶς ἀνετέθη, μὴ προσγραψάμενος τὴν αὐτὴν φυλακὴν

<sup>1</sup> ὡς ἂν Bens. cum ΣΥΩς.<sup>m</sup> ὁ ῥήτωρ Bens. cum Σ.

τὸν δημόσιον παρεῖναι προσέγραψεν] 'added a clause that the public slave should be present,' not 'officer' as K. We read immediately afterwards, μὴ σοὶ πιστεύειν ἀλλὰ τοῖς ἐαυτῆς δούλοις τὴν πόλιν. The δημόσιοι were employed, among other duties, as ἀντιγραφεῖς or checking-clerks. Comp. de Fals. Leg. p. 381 § 129=142 : *Dict. Antiq.* s. v. Demosii.

ὡς δὴ δίκαιος ὢν] Benseler alone follows Σ (*auf allen Vieren*) in the pointless reading ὦν for δὴ. The latter is here most appropriate. For the readiness with which AN and ΔΗ are confused, see Cobet *Nov. Lect.* pp. 501, 549. Another instance occurs *Timocr.* § 156.

ῥήτωρ, χρυσοχόος, ταμίης, ἀντιγραφεὺς] It was remarked on § 38 that wherever there was a ταμίης there was also an ἀντιγραφεὺς to check his accounts.

Here Androtion carries a decree that the crowns shall be melted, superintends the process himself, sends in what accounts he pleases to the state, and allows no one else to check them. I cannot think, with Benseler, that ταμίης because it stands alone can only mean the State-treasurer or 'Chancellor of the Exchequer' (§ 35 n.). Androtion must have been a ταμίης τῆς θεοῦ : these were responsible for the safe keeping of the treasures, but had no discretionary power of dealing with them (*Timocr.* § 136 n.). The humour of the passage lies in his usurping all these functions, not of course without some formal authority, but by procuring hasty votes of the people which, when seen in their true light, laid him open to a γράφῃ παρανόμων. Cf. § 76 *fin.* πάλιν γράφεις καταχωνεύειν.

§ 71. μὴ προσγραψάμενος...



ἥνπερ περὶ<sup>η</sup> τῶν εἰσφορῶν φαίνει, οὐκ εὐδηλον δι' ὃ  
 72 τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι. καὶ μὲν, ὦ ἄνδρες  
 Ἀθηναῖοι, καὶ κατὰ παντὸς τοῦ χρόνου σκέψασθε ὡς  
 καλὰ καὶ ζηλωτὰ ἐπιγράμματα τῆς πόλεως ἀνελὼν ὡς  
 ἀσεβῇ καὶ δεινὰ ἀντεπιγέγραφεν. οἶμαι γὰρ ὑμᾶς  
 ἅπαντας ὁρᾶν ὑπὸ τῶν στεφάνων ταῖς χοινικίσι κάτω- 616  
 θεν γεγραμμένα "οἱ σύμμαχοι τὸν δῆμον ἀνδραγαθίας  
 ἔνεκα καὶ δικαιοσύνης" ἢ "οἱ σύμμαχοι ἀριστεῖον  
 τῇ<sup>ο</sup> Ἀθηναίᾳ," ἢ κατὰ πόλεις "οἱ δέινες τὸν δῆμον,  
 σωθέντες ὑπὸ τοῦ δήμου," οἷον "Εὐβοεῖς ἐλευθερω-  
 θέντες ἐστεφάνωσαν<sup>η</sup> τὸν δῆμον" [ἐπεγέγραπτό που<sup>η</sup>],  
 πάλιν "Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Λακεδαι-  
 μονίους." τοιαῦτα γὰρ ἦν τὰ τῶν στεφάνων ἐπι-  
 73 γράμματα. ταῦτα μὲν τοίνυν, ἃ ζῆλον πολὺν εἶχε  
 καὶ φιλοτιμίαν ὑμῖν, ἡφάνισται καθαιρεθέντων τῶν  
 στεφάνων· ἐπὶ ταῖς φιάλαις δ' ἅς ἀντ' ἐκείνων ἐποίη-

<sup>η</sup> ἥν περὶ Z Bekk. Bens. cum ΣΥ.

<sup>η</sup> [ἐστεφάνωσαν] Bens.

<sup>ο</sup> τῇ om. Bekk. cum Σ.

<sup>η</sup> om. Z Bekk. Bens.

φαίνει] Not 'you appear' but 'are found not to have introduced the same safeguards,' § 21 n.

§ 72. χοινικίσι] From the resemblance of shape to the measure so called, the name χοίνικες was applied to rings or shackles for the legs, as in Aristoph. Plut. 276 αἱ κνήμαι δέ σου βοῶσιν | 'Ιοῦ ἰοῦ, τὰς χοίνικας καὶ τὰς πέδας ποθοῦσαι, and in the scurrilous passage about the parents of Aeschines, de Cor. p. 270 § 129 χοίνικας παχέας ἔχων καὶ ξύλον. Hence χοινικίδες here and || Timocr. are the rings which served as stands for the crowns.

Κόνων ἀπὸ τῆς ναυμαχίας] The battle of Cnidus, B.C. 394. || Timocr. adds Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυμαχίας, the battle in

B.C. 376, alluded to § 15 above.

§ 73. ἃ ζῆλον—καὶ φιλοτιμίαν] 'which brought you so much admiration and honour.' I do not think that 'emulation' (K.) is here intended. Demosth. says of his own crown, de Cor. p. 267 § 120, οὕτω σκαῖδς εἰ καὶ ἀναίσθητος, Αἰσχίνῃ, ὥστ' οὐ δύνασαι λογίσσασθαι ὅτι τῷ μὲν στεφανομένῳ τὸν αὐτὸν ἔχει ζῆλον ὁ στέφανος, ὅπου ἂν ἀναρρηθῇ, τοῦ δὲ τῶν στεφανούντων ἔνεκα συμφέροντος ἐν τῷ θεάτρῳ γίγνεται τὸ κήρυγμα; where the glory of the recipient and the emulation his rewards kindle are clearly contrasted, and ζῆλος is applied to the former. For φιλοτιμία nearly = τιμή, below §§ 74, 75, Timocr. § 91 πολλὰς φιλοτιμίας περιαιρεῖται τῆς πόλεως.

σαθ' ὑμῖν ὁ πόρνος οὗτος<sup>†</sup>, “Ἀνδροτίωνος ἐπιμελου-  
 μένου ἐποιήθησαν<sup>‡</sup>” ἐπιγέγραπται· καὶ οὗ τὸ σῶμα  
 ἡταιρηκότος οὐκ ἔῶσιν οἱ νόμοι [εἰς τὰ ἱερὰ εἰσιέναι],  
 τούτου τοῦνομ' ἐν τοῖς ἱεροῖς ἐπὶ τῶν φιαλῶν γε-  
 γραμμένον ἐστίν. ὁμοίον γε, οὐ γάρ; τοῦτο τοῖς προ-  
 τέροις ἐπιγράμμασιν, ἢ φιλοτιμίαν ἴσῃν ἔχον ὑμῖν.  
 74 [τρία<sup>§</sup> τοίνυν ἐκ τούτου τὰ δεινότατ' ἂν τις ἴδοι πεπρα-  
 γμέν' αὐτοῖς. τὴν μὲν γὰρ θεὸν τοὺς στεφάνους σεσυ-  
 λήκασιν· τῆς πόλεως δὲ τὸν ζῆλον ἠφανίκασιν τὸν ἐκ  
 τῶν ἔργων, ὧν ὑπόμνημ' ἦσαν ὄντες οἱ στέφανοι·  
 τοὺς δ' ἀναθέντας δόξαν οὐ μικρὰν ἀφῆρηνται, τὸ δο-  
 κεῖν ὧν ἂν εὖ πάθωσιν ἐθέλειν μεμνήσθαι. καὶ τοι-  
 αῦτα καὶ τοσαῦτα τὸ πλῆθος κἀκ' εἰργασμένοι, εἰς  
 τοῦτο ἅμα ἀναισθησίας καὶ τόλμης προεληλύθασιν,  
 ὥστε μέμνηται τούτων ὡς καλῶς αὐτοῖς<sup>‡</sup> διωκημένων,

<sup>†</sup> ὁ πόρνος οὗτος om. Z Cob. cum pr. Σ.

<sup>‡</sup> ἐποιήθησαν om. Z Bekk. Bens. || Timocr.

<sup>§</sup> § 74 uncis incl. Bekk.

<sup>‡</sup> αὐτοῖς Bens.

ἐποιήθησαν] Omitted in || Ti-  
 mochr. and here, I think, better  
 away. See various readings.

ὁμοίον γε, οὐ γάρ;] Timocr.  
 §§ 106, 181.

§ 74. Timocrates has not  
 been mentioned in this speech,  
 though Androtion, who was  
 doubtless a far more important  
 person, figures largely in the  
 Timocratea. The sudden transi-  
 tion to the plural is therefore,  
 it must be admitted, somewhat  
 awkward: and there is much  
 plausibility in the notion (first  
 started by Emperius in his ob-  
 servations on Dion Chrysostom)  
 that this § is wrongly inserted  
 here from || Timocr. It is brack-  
 eted by Bekker in his later  
 edition, Sauppe, Benseler, and  
 Blass: rejected by Cobet *Misc.*  
*Crit.* p. 528—30. The latter

follows Dobree in denouncing  
 the words ὥστε μέμνηται—διωκη-  
 μένων as doubly spurious, an  
 interpolation of an interpola-  
 tion: ὥστε μέμνηται was first  
 written as a dittographia of  
 ὥσθ' ὁ μὲν οἶεται, 'deinde reliqua  
 addita ob sensum.'

τὸν ζῆλον...τὸν ἐκ τῶν ἔργων]  
 'The glory resulting from those  
 actions, of which' &c., not 'an  
 emulation fostered by deeds.'

δόξαν—τὸ δοκεῖν] For this  
 combination Funkhaenel com-  
 pares de Pace p. 62 § 22 τὴν  
 δόξαν τοῦ πολέμου τοῦ δοκεῖν δι'  
 αὐτὸν (Φίλιππον) κρίσιν εἰληφέ-  
 ναι: and de Symmor. p. 178  
 § 1 τοῦ δοκεῖν εὖ λέγειν δόξαν  
 ἐκφέρονται (where however Dind.  
 now reads τοῦ δύνασθαι λέγειν  
 with MS. Σ).

ὥσθ' ὁ μὲν οἶεται δι' ἐκείνον ὑφ' ὑμῶν σωθήσεσθαι, ὁ δὲ παρακάθεται καὶ οὐ καταδύεται τοῖς πεπραγμέ-  
 75 νοις.] οὕτω δ' οὐ μόνον εἰς χρήματ' ἀναιδής, ἀλλὰ καὶ σκαιός ἐστιν, ὥστ' οὐκ οἶδεν ἐκείνο, ὅτι στέφανοι μὲν εἰσιν ἀρετῆς σημεῖον, φιάλαι δὲ καὶ τὰ τοιαῦτα <sup>617</sup> πλούτου, καὶ στέφανος μὲν ἅπας, καὶ μικρὸς ἦ, τὴν ἴσην φιλοτιμίαν ἔχει τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυ-  
 ματήρια, ἂν μὲν ὑπερβάλλῃ τῷ πλήθει, πλούτου τινὰ

ὁ μὲν οἶεται δι' ἐκείνον] i.e. Androtion thinks that he will be acquitted by you, owing to the influence of Timocrates, while T. calmly sits by and does not sink into the earth for shame at his performances. *Anecd.* Bekk. p. 151, 22 : καταδύομαι ἀντὶ τοῦ αἰσχύνομαι, δοτικῇ: i.e. followed by a dative, as here τοῖς πεπραγμένοις. I agree with Benseler and Cobet that this is making too much of Timocrates, a 'mere subordinate' (*ein blosser Gehülfe*) of A. In || Timocr. the positions are reversed: Timocrates is on his trial (ὁ μὲν), and Androtion (who by this time has already been acquitted on the present charge, and is perhaps more insolent than ever) is his powerful supporter: and the passage is thus in its right place.

§ 75. σκαιός] See the quotation from de Cor. § 120 in § 73 n.: 'stupid,' K.; 'narrow-minded' (*bornirt*), Benseler.

ἂν μὲν ὑπερβάλλῃ τῷ πλήθει] There are two ways in which this and the corresponding clause εἰάν δ' ἐπὶ μικροῖς τις σεμνύνηται may be taken. G. H. Schaefer, Funkhaenel, Dindorf, and Benseler seem to agree in thinking that both clauses refer to 'gold plate' only, of which 'drinking-cups' and 'censers'

are taken as common types. These, if of a certain massiveness, πλούτου τινὰ δόξαν προσετρίψατο τοῖς κεκτημένοις (translated below): but if a man prides himself upon small ones, so far from obtaining any credit on that account, he is thought to be ἀπειρόκαλος, wanting in taste. Thus πλήθει = μεγέθει, as Schaefer observes, a point on which there need be no difficulty. But surely this is not the notion which a cultivated Athenian would have formed of ἀπειροκαλία. To him the ἀπειρόκαλος was the man devoid of a true feeling for art, the 'Phlistine,' the man who could not 'live up to' the works of Phidias and Ictinus. He would have applied the name to the vulgar rich man with his heavy gold plate as readily as to the silly man who aped wealth upon a small scale. The Greeks were singularly free from that worship of gold and jewels for their own sake, and apart from artistic merit or other associations (such as those of the crowns which Androtion had broken up), which has marked the Oriental mind from the earliest dawn of its literature.

The preferable explanation is, with K. and R. W., to understand μικροῖς of 'small matters.'

δόξαν προσετρίψατο τοῖς κεκτημένοις, ἐὰν δ' ἐπὶ μικροῖς τις σεμνύνηται, τοσοῦτ' ἀπέχει τοῦ τιμῆς τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος πρὸς ἔδοξεν<sup>x</sup> εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς δόξης κτήματα, τὰ τοῦ  
 76 πλούτου πεποιήται μικρὰ καὶ οὐχ ὑμῶν ἄξια. καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς μὲν χρημάτων κτήσιν οὐδεπώποθ' ὁ δῆμος ἐσπούδασε, πρὸς δὲ δόξης ὡς οὐδὲ πρὸς ἐν τῶν ἄλλων. τεκμήριον δέ' χρήματα μὲν γὰρ πλεῖστα τῶν Ἑλλήνων ποτὲ σχῶν ἅπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν, εἰσφέρων δ' ἐκ τῶν ἰδίων οὐδένα [πώποτε<sup>y</sup>] κίνδυνον ὑπὲρ δόξης ἐξέστη. ἀφ' ὧν κτήματ'

<sup>x</sup> v. not.

<sup>y</sup> πώποτε om. Z Bekk. Bens. Blass, cum ΣΦΤΩστν.

Cups and censers, if exceedingly numerous, cover their possessor with a certain showy garnish of wealth ('wohl ihre Besitzer mit einem gewissen glänzenden Firniss von Wohlhabenheit umgeben,' Benseler): but whether more or fewer, they are but small matters, and the man who prides himself upon them is ἀπειρόκαλος. Androction, therefore, has shown 'tasteless vulgarity' in melting down the wreaths, with their glorious associations, and turning them into vessels which are only so much bullion.

τοσοῦτ' ἀπέχει] Rather τοσοῦτον ἀπέχει, § 2 n.

πρὸς ἔδοξεν] Dindorf alone prints this as two words: but if with the MSS. we write προσέδοξεν, the preposition must still be taken separately. Other similar instances are Pantaen. p. 981 § 49 προσαιμῶσαι (where see Sandys): Boeot. de Nom. p. 1001 § 23 προσμισεῖν: Callicl. p. 1280 § 29 προσσυκοφαντοῦσιν. I own that I prefer Dindorf's way of writing all these passages *divisim*. [Blass gives

πρὸς ἔδοξ' εἶναι, though there is no concourse of short syllables to be avoided.]

§ 76. τεκμήριον δέ] This sentence, down to ἐξέστη, occurs with some variations in Lept. p. 460 § 10. The allusion in χρήματα πλεῖστα ποτὲ σχῶν is doubtless to the times of Pericles: the history of the Olympicion, not finished till the time of Hadrian, shows that after the outbreak of the Peloponnesian war Athens had little to spend on art and architecture.

οὐδένα πώποτε κίνδυνον—ἐξέστη] The best MSS. all omit πώποτε here, though in || Leptines there is no variety of reading. For ἐξέστη with acc. compare, besides || Lept., de Cor. p. 331 § 319 οὐδένα ἐξίσταμαι 'I avoid no one:' where Drake aptly points out that ἐξίσταμαι takes accus. where φεύγω might be used, dat. where εἴκω, and compares Soph. Aj. 82 φρονούντα γὰρ νυν οὐκ ἂν ἐξέστην ὄκνῳ. In Latin *excedere egredi evadere* are all found with an accus.

ἀθάνατ' αὐτῷ περίεστι, τὰ μὲν τῶν ἔργων ἢ μνήμη,  
 τὰ δὲ τῶν ἀναθημάτων τῶν ἐπ' ἐκείνοις σταθέντων τὸ  
 κάλλος, προπύλαια ταῦτα, ὁ παρθενῶν, στοαί, νεώσοι-  
 κοι, οὐκ ἀμφορίσκοι δὺ' οὐδὲ χρυσίδες τέτταρες ἢ  
 77 τρεῖς, ἄγουσ' ἐκάστη μνᾶν, ἵς, ὅταν σοι δοκῇ, σὺ  
 πάλιν γράψεις καταχωνεύειν. οὐ γὰρ αὐτοὺς δεκα-  
 τεύοντες, οὐδ' ἂ καταράσαιντ' ἂν οἱ ἐχθροὶ ποιοῦντες,  
 διπλᾶς πράττοντες τὰς εἰσφοράς, ταῦτ' ἀνέθεσαν, οὐδ'  
 οἷοισπερ<sup>2</sup> σὺ χρώμενοι συμβούλοις ἐπολιτεύοντο, ἀλλὰ  
 τοὺς ἐχθροὺς κρατοῦντες, καὶ ἂ πᾶς τις ἂν εὖ φρονῶν  
 εὔξαιτο, τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες, ἀθάνατον  
 κλέος αὐτῶν λελοίπασι, τοὺς ἐπιτηδεύσαντας<sup>3</sup> οἶα σοὶ  
 78 βεβίωται τῆς ἀγορᾶς εἶργοντες. ὑμεῖς δ' εἰς τοῦτ', ὦ 618

<sup>2</sup> οἷοσπερ Z Bens. Dind. Blass.

<sup>3</sup> ἐπιτηδεύοντας Dind. *Illud ΣΥΩς et corr. F.*

τῶν ἀναθημάτων—τὸ κάλλος] ‘the splendour of the (sacred) edifices raised to commemorate them:’ ἀνάθημα in a rare sense of the temple itself, usually of its contents, i.e. votive offerings.

ἀμφορίσκοι δύο] ‘A pair of little jars, or three or four golden saucers each weighing a mina’ K.—τέτταρες ἢ τρεῖς, with the smaller number last, = ‘four, or perhaps only three.’—*χρυσίς* is explained as = *φιάλη* in the grammarians (Harpocrat., Bekk. *Anecd.* 316, 14). Benseler treats it as a diminutive (*Schälchen*); his word for ἀμφορίσκοι (*Henkelkrügelchen*) preserves the notion of a vessel with handles always conveyed by ἀμφορεὺς (= ἀμφιφορεὺς, ἀμφι and φέρειν). For the sense of ἄγειν compare Timocr. § 129 τὸν ἀκινάκην τὸν Μαρδονίου, ὃς ἤγε τριακοσίους δαρεικούς: c. Ti-

moth. p. 1193 § 32 πείθει αὐτὸν ὁ πατήρ ὁ ἐμὸς τιμὴν ἀπολαβεῖν τῶν φιαλῶν, ὅσον ἦγον αἱ φιάλαι.

§ 77. δεκατεύοντες] Used quite generally for any excessive taxation; the double εἰσφορὰ below does not necessarily refer to δεκατεύοντες. Cf. *Dict. Antiq.* s.v. *Decumae*, i. 603 b; *Class. Rev.* i. 150.

οἷοισπερ σὺ] § 64 n.

τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες] Whereas the tendency of A.’s proceedings was to excite discontent and opposition.

τῆς ἀγορᾶς εἶργοντες] The Atimia, denounced against such immorality as Androtion was accused of, disqualified from speaking in the public assemblies. There is no reference to buying and selling in the market-place: no *aquae et ignis interdictio*. Cf. Timocr. §§ 60, 103.



ἄνδρες Ἀθηναῖοι, προῆχθ' εὐηθείας καὶ ῥαθυμίας  
ὥστ' οὐδὲ τοιαυτ' ἔχοντες παραδείγματα ταῦτα μι-  
μεῖσθε, ἀλλ' Ἀνδροτίων ὑμῖν πομπείων ἐπισκευαστής,  
Ἀνδροτίων, ὦ γῆ καὶ θεοί. καὶ τοῦτ' ἀσέβημ' ἔλατ-  
τον τίνος ἡγείσθε; ἐγὼ μὲν γὰρ οἶμαι δεῖν τὸν εἰς ἱέρ'  
εἰσιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον καὶ τῆς  
πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον οὐχὶ  
προειρημένον<sup>b</sup> ἡμερῶν ἀριθμὸν ἀγνεύειν, ἀλλὰ τὸν  
βίον ἡγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ  
βεβίωται.

<sup>b</sup> -ων Bens. Blass cum libris.

§ 78. εὐηθείας καὶ ῥαθυμίας]  
Stumpfsinn und Sorglosigkeit,  
'stupidity and carelessness.'  
This bit of plain speaking  
was, it will be remembered, to  
be uttered by Diodorus, not by  
the young author of the speech.

πομπείων ἐπισκευαστής] § 69 n.  
'Ἀνδροτίων, ὦ γῆ καὶ θεοί] For  
the stinging repetition (Epana-  
diplosis, Blass p. 153) of the  
man's name, comp. Aristocr.  
p. 690 § 210 καὶ Χαρίδημον εἰ  
χρὴ φρουρεῖν βουλευέται; Χαρί-  
δημον; οἶμοι. 'Often quoted,'  
says Prof. Mahaffy *Gr. Lit.* II.  
347 n.

καὶ τοῦτ' ἀσέβημα ἔλαττον τίνος  
ἡγείσθε;] Sic resolvendum:  
τοῦτο τίνος ἀσεβήματος ἔλαττον  
ἀσέβημα ἡγείσθε; G. H. Schae-  
fer.

χερνίβων] The doubt is as  
old as Harpocration whether  
this is from χερνιβον the vessel  
or χέρνιψ the holy water. The  
Scholiast takes it of the former:

οὐ τοῦ ὕδατος ἀλλὰ τῶν ἀγγείων,  
and so Benseler. K. understands  
it of the latter, and Weil justly  
remarks that χερνιβον is "d'un  
Atticisme douteux." For κανῶν  
see *Dict. Antiq.* s.v. Caneph-  
phoros.

προειρημένον ἡμερῶν ἀριθμὸν]  
Reiske's correction for προειρη-  
μένων, received by all editors  
except Benseler. This critic  
argues ingeniously that not  
merely the number of days, but  
the particular days for cere-  
monial purity were prescribed:  
and defends the reading of the  
MSS. On the other hand, the  
tendency of copyists to make  
every word agree with the near-  
est to it, and irrespective of  
the sense, is a well-known and  
fruitful source of error. In  
|| Timocr. the best MSS. read  
τακτὸν, the rest as here προει-  
ρημένων: and Weil adopts  
τακτὸν here.

## ΚΑΤΑ ΤΙΜΟΚΡΑΤΟΥΣ.

### ΛΙΒΑΝΙΟΥ ΤΠΟΘΕΣΙΣ.

Διόδωρος μὲν κἀνταῦθα ὁ κατήγορος· κατηγορεῖ δὲ νόμου μάλα φιλανθρώπου, διόπερ ἀπὸ τῆς αἰτίας καὶ τῆς τοῦ γεγραφότος γνώμης διαβάλλειν αὐτὸν πειρᾶται. ἔστι δ' ὁ νόμος ὁ τοῦ Τιμοκράτους τοιοῦτος, εἴ τιτι Ἀθηναίων ἐπ' ὀφλήματι δημοσίῳ προστετίμηται δεσμοῦ ἢ καὶ τὸ λοιπὸν προστιμηθείη, ἐξεῖναι αὐτῷ ἢ ἄλλῳ ὑπὲρ αὐτοῦ ἐγγυητὰς καταστήσαντι τοῦ ὀφλήματος, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐντὸς ῥητῆς προθεσμίας ἐκτίσειν, ἀφείσθαι τοῦ δεσμοῦ· ἐὰν δὲ ἐπιστάντος τοῦ χρόνου μὴ ἐκτισθῇ τὸ ὄφλημα, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. τοῦτον αἰτιᾶται τὸν νόμον ὁ κατήγορος οὐχ ὑπὲρ τοῦ κοινοῦ γεγράφθαι, ἀλλ' ὑπὲρ Ἀνδροτίωνος καὶ Γλαυκέτου καὶ Μελανάπου. οὗτοι γάρ, φησί, πεμφθέντες εἰς Κάριαν πρεσβευταὶ καὶ πλείοντες ἐν τριήρει, περιπεσόντες Ναυκρατίταις ἀνθρώποις ἐμπόροις, ἀφείλοντο αὐτῶν τὰ χρήματα. εἴθ' οἱ Ναυκρατῖται μὲν ἐλθόν-

*Argument.* κἀνταῦθα] As well as against Androton. Did these two speeches stand together in Libanius' copies?

τῆς αἰτίας] 'the motive' of the law, nearly = τῆς τοῦ γεγραφότος

γνώμης, 'the intention of its proposer.'

προθεσμίας] *Dict. Antiq.* s.v. Prothesmia.

πρεσβευταὶ] See § 12 of the speech.

τες Ἀθήναζε τὸν δῆμον ἰκέτευσον, ὁ δὲ δῆμος ἔγνω πολέμια εἶναι τὰ χρήματα, καὶ μὴ δεῖν ἀποδοθῆναι τοῖς ἐμπόροις. τούτων δὲ οὕτω γενομένων Ἀρχέβιος καὶ Λυσιθείδης οἱ τριήραρχοι τῆς νεώς, ἐφ' ἧς ἔπλεον οἱ περὶ τὸν Ἀνδροτίωνα, εἰσεπράττοντο τὰ χρήματα. ὥς δὲ ἐκεῖνοι μὲν οὐκ ἐφάνησαν ἔχοντες αὐτά, οἱ 695 πρεσβευταὶ δὲ ὡμολόγουν ἔχειν αὐτά, καὶ ἔδει πᾶν χρῆμα καταβάλλειν ἢ τοῖς νόμοις ὑποπίπτειν τοῖς τῶν ὀφειλόντων τὰ δημόσια, διὰ τοῦτο, φησί, τοῦτον τὸν νόμον Τιμοκράτης βοηθοῦντα ἐκείνοις ἔθηκεν. ὁ μέντοι Τιμοκράτης ἐκτετικέναι φησὶ τὰ χρήματα τοὺς περὶ Ἀνδροτίωνα, καὶ δῆλον ἐντεῦθεν εἶναι ὥς οὐκ ἐκείνων ἔνεκα τὸν νόμον εἰσέφερεν αὐτός. κατηγορεῖ δὲ ὁ Διόδωρος καὶ ἄλλο τοῦ νόμου· τὴν τε γὰρ θέσιν αὐτοῦ μέμφεται ὥς γεγονυῖαν παρὰ τοὺς νόμους, καὶ ὑπεναντίον εἶναι τοῖς ἀρχαίοις φησί, καὶ ἀσύμφορον τοῖς κοινοῖς ἐπιδείκνυσιν.

### ΕΤΕΡΑ ΥΠΟΘΕΣΙΣ.

Πολέμου τυγχάνοντος Ἀθηναίοις πρὸς βασιλέα, κατὰ τοῦτον τὸν χρόνον ἐγράφη ψήφισμα σὺλα πλοίων πολεμίων εἶναι καὶ γίνεσθαι τὰ τιμήματα

οὐκ ἐφάνησαν ἔχοντες] Libanius probably means, as a classical writer would have meant, 'were proved not to have' the money, not 'did not appear,' Androt. § 21 n. But in the best Greek we should not find πᾶν χρῆμα for πάντα, 'everything.'

παρὰ τοὺς νόμους... ὑπεναντίον ... ἀσύμφορον] So in the Androtion, A.'s motion to crown the senate is attacked on the same three grounds as (1) illegal, liable to a γραφή παρανόμων; (2) a violent subversion of established

constitutional rules; (3) impolitic.

*Second Argument.* This writer's Greek, and his judgment also, are greatly inferior to that of Libanius.

ἐγράφη ψήφισμα] As if the decree had been made for the occasion, and the destruction of the enemy's commerce were not a regular incident of naval warfare! The use of τῶν κλοπῶν for 'the captures' shows a want of command of the language.

σὺλα πλοίων] 'that the enemy's

τῶν κλοπῶν δημόσια. Μαύσωλος, τῆς Καρίας σα-  
 τράπης, τὰς πέραν νήσους ἡδίκηει. κατεβῶν οἱ  
 βλαπτόμενοι, καὶ τοὺς Ἀθηναίους ἐπεκαλοῦντο.  
 ἔδοξε διὰ πρέσβειων τέως αἰτιάσασθαι τὸν Κᾶρα.  
 πέμπουσιν οὖν Ἀνδροτίωνα καὶ Μελάνωπον καὶ  
 Γλαυκέτην πρὸς τὸν ἄρχοντα Καρίας Μαύσωλον,  
 τὸν τῆς Ἀρτεμισίας ἄνδρα καὶ ἀδελφόν, ὡς ἀδικοῦντα  
 τὰς νήσους αἰτιασομένους, καὶ βασιλεῖ χαριζόμενον,  
 δι' ὃν κακῶς ἐποίει τοὺς Ἕλληνας. οὗτοι νηὶ περι-  
 τυχόντες Ναυκρατικῇ Αἰγύπτια ἐχούσῃ φορτία  
 (διεκόμιζον δὲ τούτους τοὺς πρέσβεις Ἀρχέβιος καὶ  
 Λυσιθείδης τριήραρχοι) κατάγουσιν εἰς τὸν Πειραιᾶ  
 τὴν ὁλκάδα. καὶ λόγων γενομένων τοῖς Αἰγυπτίοις  
 πρὸς τὸν δῆμον καὶ ἰκετείας, οὐδὲν ἦπτον ἐκρίθη τὰ 696  
 χρήματα εἶναι δημόσια ὡς πολεμίων ὄντων τῶν Αἰ-  
 γυπτίων. νόμον δὲ προστάττοντος τὸν χρησάμενον  
 δημοσίοις χρήμασιν ἐπ' ἐνιαυτὸν ὅλον διπλάσια ταῦτα  
 δίδοναι, κατασχόντες οἱ πρέσβεις οὗτοι τάλαντα ἐννέα  
 καὶ τριάκοντα μνᾶς τῶν ἀπεμποληθέντων φορτίων ἐκ  
 τῆς νεῶς ὑπεύθυνοι ἐγίνοντο τῷ δημοσίῳ καὶ τῷ δι-  
 πλασίῳ. σπανιότητος δὲ χρημάτων κατασχούσης  
 τὸν δῆμον, Ἀριστοφῶν τις δημαγωγὸς ἔγραψε ψή-  
 φισμα ἐλέσθαι ζητητὰς τῶν ὀφειλόντων τῇ πόλει καὶ  
 ἀποπειρωμένων διαλαθεῖν, καὶ τούτους μηνύειν. ἐμή-  
 νυσεν Εὐκτήμων ὁ πρὸς Ἀνδροτίωνα μικρῷ πρόσθεν

vessels should be lawful prizes, and the proceeds of the captures after valuation become the property of the State.' R.W. The form *σῦλαι* 'right of seizure, reprisals,' is to be distinguished from *σῦλα*, prizes or captured property. It occurs c. Laerit. p. 927 § 13, p. 931 § 26.

τὰς πέραν νήσους] 'opposite' or 'adjacent' islands, not 'be-

yond.' The Scholiast mentions Cos and Rhodes, and (less accurately) Chios.

τῷ διπλασίῳ] G. H. Schaefer suggested τοῦ διπλασίου. So below l. 20 Bekker points out that ὥφειλον ought to be ὥφλον, and p. 697. 18 ἀλλ' οὖν γε τοῦ μὴ ought to be ἀλλ' οὖν γε μὴ. But it seems hardly worth while to correct this writer's Greek.

ἀγωνισάμενος, νυνὶ δὲ πρὸς Τιμοκράτην, ἔχειν Ἀρχέβιον καὶ Λυσιθείδην ἐκ τῆς Αἰγυπτίας ὀλκάδος τάλαντα ἐννέα καὶ τριάκοντα μνᾶς. ἔγραψε δὲ δηλονότι φεύγων μὲν τὴν ἐκ τοῦ προφανοῦς πρὸς Ἀνδροτίωνα μίχην, διὰ δὲ τῆς τῶν τριηράρχων μνήμης οὐδὲν ἦττον ἐπιβουλεύων τῷ Ἀνδροτίωνι. διαδικασίας δὲ γενομένης τοῖς πρέσβεσι πρὸς τοὺς τριηράρχους, ἦ-τήθησαν οἱ πρέσβεις καὶ ὤφειλον τὰ χρήματα. προστάττοντος δὲ νόμου τὸν ὀφείλοντα ἐπὶ τοῦ δευτέρου ἐνιαυτοῦ δεδέσθαι, ἕως ἂν ἐκτίσῃ, ἔμελλον τῷ δεσμῷ καὶ οἱ πρέσβεις καθυποβάλλεσθαι. ἐν δὲ τῷ καιρῷ τούτῳ ἀρχομένου τοῦ δευτέρου ἐνιαυτοῦ, ἐν ᾧ καὶ δεθῆναι τοὺς πρέσβεις ἐχρῆν, ἔγραψε Τιμοκράτης νόμον τοιοῦτον, εἴ τιμι τῶν ὀφειλόντων τῷ δημοσίῳ δεσμοῦ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα καὶ τὸ λοιπὸν προστιμηθῇ, ἐξεῖναι αὐτῷ καταστήσαντι τρεῖς ἐγγυητὰς ἢ μὴν ἐκτίσειν, οὓς ἂν ὁ δῆμος χειρο- 697 τονήσῃ, ἀφίεσθαι τοῦ δεσμοῦ. εἰ δὲ μὴ ἐκτίσῃ αὐτὸς ἢ οἱ ἐγγυηταί, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. τούτου τοῦ νόμου γραφὴν ἀπηνέγκαντο Διόδωρος καὶ Εὐκτῆμων ὡς παρανόμου καὶ ἀδίκου καὶ ἀσυμφόρου. Ἀνδροτίων δὲ καὶ Γλαυκῆτης καὶ Μελάνωπος, συνιέντες δι' αὐτοὺς γεγενῆσθαι τὴν γραφὴν, καταβάλλουσιν ἐννέα τάλαντα καὶ τριάκοντα μνᾶς, ἴσως μὲν οὐκ ἂν καταβάλοντες, εἰ μὴ τὴν γραφὴν ἐπέδωσαν οἱ κατήγοροι. ὁμῶς ὃ οὖν κατέβαλον. κατηγορεῖ τοίνυν Εὐκτῆμων

διαδικασίας] See § 13 of the Speech.

ἐπὶ τοῦ δευτέρου ἐνιαυτοῦ] Boeckh points out that the writer, whom he inadvertently calls Libanius, has confused the actual law with the proposal of Timocrates, *P. E.* p. 340 n. 159

= *Sthh.* <sup>3</sup>i. 411 note *a*. In reality a state debtor, whether farmer of the taxes or not, might be imprisoned at any time in certain circumstances; Schoemann, *Antiq.* p. 451 E. T. The point will be further discussed in the notes to the Speech (see §§ 2, 39 f., 50).



καὶ Διόδωρος, φάσκοντες μὲν διὰ τοὺς πρέσβεις γεγράφθαι τὸν νόμον· εἰ δὲ καὶ ἐξέτισαν ἐν τῷ μεταξὺ χρόνῳ, δεδομένης τῆς γραφῆς τοῦτο ἐποίησαν, ὥστε τὴν προαίρεσιν τοῦ νομοθέτου ὑπαιτίαν εἶναι. οὐδὲν δὲ ἦττον ἐξετάζει τὸν νόμον ὁ ῥήτωρ ὡς καὶ κατ' ἄλλον τρόπον ἔχοντα κακῶς· καὶ γὰρ παρανόμως τεθεῖσθαι φησι καὶ ὑπεναντίως ἔχειν τοῖς νόμοις, καὶ ἄλλως ἀδικεῖν καὶ βλάπτειν, δι' ὧν προστάττει, τὴν πόλιν. διὰ ταῦτα γοῦν καὶ αἱ ὑποθέσεις τοῦ λόγου δύο, μία μὲν ὅτι διὰ τοὺς πρέσβεις γέγραπται, ἑτέρα δὲ ὅτι ὑπεναντίος τοῖς νόμοις καὶ ἐπιζήμιος καὶ ἄδικος. ὥστε εἰ ἐδύνατο ἐκφυγεῖν ὁ Τιμοκράτης τὴν αἰτίαν τοῦ μὴ διὰ τοὺς πρέσβεις γεγραφέναι, ἀλλ' οὖν γε τοῦ μὴ πονηρὸν εἶναι οὐ διαφεύξεται. ἐδύνατο μὲν γὰρ τοῦ νομοθέτου κατηγορεῖν ὁ Διόδωρος, ὅτι πονηρὸν ἔγραψε νόμον καὶ ὑπεναντίον τοῖς νόμοις, καὶ ἤρκεσεν ἂν αὐτῷ πρὸς ὑπόθεσιν ταῦτα· νῦν δὲ καὶ τὴν κατὰ 698 τῶν πρέσβεων προσείληφε διαβολῆς ἕνεκα τοῦ νομοθέτου. ἡ μὲν οὖν ὑπόθεσις τῆς αἰτίας, δι' ἣν ἔθηκε τὸν νόμον, στοχαστική· ζητεῖται γὰρ εἰ διὰ τοὺς πρέσβεις ἔθηκεν ἢ οὐ· ἡ δὲ κατὰ τὸν νόμον πραγματική· καθόλου γὰρ πᾶσα κατηγορία ῥητοῦ πραγματικὴν ἀπεργάζεται στάσιν. ῥητοῦ δὲ λέγω οὐκ ἐξ

ὥστε τὴν προαίρεσιν] 'so that the purpose of the mover of the law was (equally) blameworthy.' In Attic writers ὁ νομοθέτης would hardly mean any one but Solon, νομοθεταὶ the legislative committee selected from the Heliastic body (see § 21): here it should have been τοῦ τὸν νόμον γράψαντος, as in § 28.

αἱ ὑποθέσεις τοῦ λόγου δύο] 'the questions argued in the speech are two, one (of motive) that the law was proposed for

the benefit of the ambassadors, the other (of fact) that it is illegal, hurtful in its effects, and unjust.' Compare the end of Libanius' Argument. The former is the ὑπόθεσις τῆς αἰτίας, and as such a matter of conjecture (στοχαστική): for the latter see the next note.

πᾶσα κατηγορία...στάσιν] 'every charge against a written document (in English law, 'of record') raises a question of fact.' For στάσις cf. note on Androt.

οὐπερ ἕτερόν τι ζητεῖται, ὥσπερ ἐν στοχασμῷ, οὐδὲ τοῦ ἀναφερομένου εἰς τέχνην καὶ ἐξουσίαν, ὥσπερ ἐν ἀντιλήψει. ἐκεῖ μὲν ἐπὶ τοῖς ἐκβεβηκόσιν ἢ κρίσις, ἐν δὲ τῇ πραγματικῇ ἐπὶ μέλλουσι. καὶ δεῖ γεγράφθαι τὸ ῥητὸν ἐν νόμοις καὶ ἐν ψηφίσμασιν. ἔστι τοίνυν τούτου τοῦ λόγου κεφάλαια τέσσαρα, ἐν μὲν τὸ νόμιμον, ὃ διήρηται διχῇ, εἷς τε τὸ πρόσωπον καὶ εἰς τὸ πρᾶγμα, τουτέστιν εἰς αὐτὸν τὸν νόμον, ὅπως ἐναντίος ἐστὶ τοῖς νόμοις, δεύτερον τὸ δίκαιον, τρίτον τὸ συμφέρον, ὅτι ἐπιζήμιος, τέταρτον τὸ δυνατόν, ὅτι καὶ ἀδυνάτους ἐπιτάττει πράξεις. ἡ κρινομένη οὖν ὑπόθεσις ἐστὶν αὕτη ἢ ἐν τοῖς κεφαλαίοις. τὴν γὰρ κατὰ τῶν πρέσβων ὑπόθεσιν ἐν τῇ καταστάσει καὶ παρεκβάσει τέθεικε διαβολῆς ἕνεκα δηλονότι. ἐπειδὴ γὰρ ὁ νόμος δοκεῖ φιλανθρωπότατος εἶναι, τῶν δεσμῶν ἀφιεῖς, τούτου ἕνεκα ἀντέθηκε πλεῖστα μὲν καὶ ἄλλα, μάλιστα δὲ τὰ δύο ταῦτα, τὴν τε ὑπόθεσιν τὴν κατὰ τοὺς πρέσβεις, ἵνα τῇ ὑπονοίᾳ ταύτῃ τὸν ἄκροατὴν ἐν ὑποψίᾳ δούς κατὰ τοῦ ἀντιδίκου πείσῃ ὡς τὸν νόμον δι' αἰσχροκέρδειαν τεθεικότος ὑπὲρ ῥητόρων καὶ πολιτευομένων, ἀρπάσαι τὰ κοινὰ προαιρουμένων, καὶ τὸ 699 ἀσύμφορον, ἐν ᾧ ἀποστερηῆσαι τὴν πόλιν ἰπάντων τῶν ὀφλημάτων βούλεται· καὶ τὸ ἄδικον, ἐν ᾧ ὅτι ἀναξίοις δεσμώταις τὴν χάριν δίδωσι. πρὸς δὲ τὸ δυνατόν, ὅτι εἰ καὶ ἐβουλόμεθα, οὐκ ἦν δυνατόν· ἡναιρουῦνται γὰρ τῆς πολιτείας οἱ κανόνες. μὴ ἀγνοῶμεν δὲ ὅτι τὸ μὲν νόμιμον κεφάλαιον ἐντελέστατα

Argum. p. 596, 8, where ἔγγραφος corresponds to ῥητὸν here.

ἀντιλήψει] 'objection.'

καταστάσει] 'statement of the case.'

τὸ μὲν νόμιμον κεφάλαιον] The most sensible remark which this

grammarian has yet made: 'the legal argument is worked out very completely,' because it is the strong point: the other and weaker pleas are purposely jumbled together. In the Crown, on the contrary, the question

εἵργασται, τὸ δὲ δίκαιον καὶ τὸ συμφέρον καὶ τὸ δυνατὸν ἀλλήλοις συμπλέκεται. καὶ τὸ μὲν συμφέρον ἐν τούτοις ἐστὶ τὸ προηγούμενον, κατασκευάζεται δὲ διὰ τε τοῦ δικαίου καὶ τοῦ ἀδίκου καὶ τοῦ ἀδυνάτου· πᾶν γὰρ ἄδικον καὶ ἀσύμφορον. τῷ δ' αὐτῷ καὶ περὶ τοῦ ἀδυνάτου βιάζεται χρῆσθαι λόγῳ· ὃ γὰρ ἀδυνάτον φησι, τοῦτο δὴ καὶ ἀσύμφορον. καὶ ἐπειδὴ Τιμοκράτης πολὺς ἐστὶ τῇ φιλανθρωπίᾳ τοῦ νόμου χρώμενος, αὕτη δὲ ἐπὶ τὸ δίκαιον ἀναφέροίτο ἄν, διὰ τοῦτο Δημοσθένης πανταχοῦ τῷ ἀσυμφόρῳ κέχρηται, δεικνὺς ἐπιβλαβὴ καὶ ἐπιζήμιον τυγχάνοντα τῇ πόλει τὸν νόμον.

Τοῦ μὲν ἀγῶνος, ὃ ἄνδρες δικασταί, τοῦ παρόντος 700 οὐδ' ἂν αὐτὸν οἶμαι Τιμοκράτην εἰπεῖν ὡς αἰτιὸς ἐστὶν ἄλλος τις αὐτῷ πλὴν αὐτὸς αὐτῷ. χρημάτων γὰρ οὐκ ὀλίγων ἀποστερηῆσαι βουλόμενος τὴν πόλιν, παρὰ πάντας τοὺς νόμους νόμον εἰσήνεγκεν οὗτ' ἐπιτήδειον οὔτε δίκαιον, ὃ ἄνδρες δικασταί· ὃς τὰ μὲν ἄλλ' ὅσα λυμανεῖται καὶ χεῖρον ἔχειν τὰ κοινὰ ποιήσει, κύριος εἰ γενήσεται, τάχα δὴ καθ' ἕκαστον ἀκούοντες ἐμοῦ μαθήσεσθε, ἐν δ' ὃ μέγιστον ἔχω καὶ προχειρότατον 2 πρὸς ὑμᾶς εἰπεῖν, οὐκ ἀποτρέψομαι· τὴν γὰρ ὑμετέραν

of law is the weak point of the orator's defence; and it is carefully hidden away in the middle of the speech, and lost in the blaze of splendid rhetoric.

[§§ 1—16. Introductory.] §§ 1—5. Exordium: demerits of Timocrates (διαβολὴ τοῦ προσώπου, Schol.) §§ 1—3; public importance of the case (αὔξησης τοῦ πράγματος), §§ 4, 5.

§ 1. Timocrates has only himself to thank for this prosecution. From purely selfish motives he

introduced a law in violation of all the existing laws which was neither expedient nor just, and the effect of which, if it is allowed to pass, will be immense pecuniary loss to the state.

Τοῦ μὲν ἀγῶνος] The Scholiast observes that this μὲν has no δὲ corresponding to it. It is in reality repeated at τὸ μὲν οὖν πρᾶγμα (end of § 5) and answered by "Ἰνα δ' ὑμῶν μηδεὶς θαναμάξῃ.

ἀποτρέψομαι] 'hesitate, shrink

ψῆφοι, ἣν ὁμωμοκότες περὶ πάντων φέρετε, λύει καὶ ποιεῖ τοῦ μηδενὸς ἀξίαν ὁ τουτουὶ νόμος, οὐχ ἵνα κοινῇ τι τὴν πόλιν ὠφελήσῃ (πῶς γάρ ; ὅς γε, ἂ δοκεῖ συνέχειν τὴν πολιτείαν, τὰ δικαστήρια, ταύτ' ἄκυρα ποιεῖ τῶν προστιμημάτων τῶν<sup>a</sup> ἐπὶ τοῖς ἀδικήμασιν ἐκ τῶν νόμων ὠρισμένων) ἀλλ' ἵνα τῶν πολλὸν χρόνον ὑμᾶς τινὲς ἐκκεκαρπωμένων καὶ πολλὰ τῶν ὑμετέρων διηρπακότων μηδ' ἂ κλέπτοντες φανερώς ἐλήφθησαν κατα-

<sup>a</sup> om. Z, v. not.

from: 'a better reading than ἀποκρύψομαι (γρ. Sr, Blass). G. H. Schaefer compares the concluding words of Prooem. 23, p. 1434: *κἂν ὑμεῖς μὴ πεισθῇτε, οὐκ ἀποτρέψομαι λέγειν*. Cf. below, §§ 104, 200, where there is the same variety of reading.

§ 2. *The most obvious objection to T.'s law is, that it deprives the courts of the (discretionary) power of awarding further penalties for wrongful acts. Not for the sake of any advantage to the state, that is impossible, but that the clique of those who fatten upon your plunder may not be compelled to disgorge.*

τῶν προστιμημάτων τῶν ἐπὶ] The reading is greatly improved by the addition of the second τῶν, showing that the construction is ἄκυρα τῶν προστιμημάτων, 'unable to enforce their aggravations of punishment' (Strafverschärfungen, Benseler), as in §§ 79, 102, 191: otherwise τῶν προστ...ὠρισμένων would be a rather awkward gen. absolute. The Athenian law allowed the state debtor thirty days to find the money before execution was levied, and provided that the amount should be doubled after the ninth Prytany. In the interval there was a discretionary

power to imprison where default was to be feared, vested in the law-courts according to Demosthenes: Schoemann says in the Council (Senate), *Antiq.* p. 451. The subst. *προστίμημα* seems to occur only here and in the grammarians Pollux and Harpocration: I prefer the rendering 'additional penalty' to the simple 'penalty' (K.). According to Reiske, *Ind. Dem.* s.v., *προστίμῃ* may 'often' be understood in the same sense as *τιμῇ*: but he fails to prove this. His most plausible instance is in § 103 of this Speech, *ἐάν τις ἀλῶ κλοπῆς καὶ μὴ τιμηθῇ θανάτου, προστίμῃ αὐτῷ δεσμόν*: where however see note.

κλέπτοντες φανερώς ἐλήφθησαν] The allusion is not to the capture of enemies' property, called *κλοπῇ* at the beginning of the Second Argument; but to the fact that the ambassadors admitted the possession of the money (below, § 13 n.).

§ 3. *His task has been easier than mine: he has been bribed to bring in his law, and what is more, paid beforehand; while I stand up for your rights, not only without hope of reward, but at the risk of losing 1000 drachmas.*

- 3 θῶσι. καὶ τοσοῦτω ῥᾷόν ἐστ' ἰδία τινὰς θεραπεύειν ἢ τῶν ὑμετέρων δικαίων<sup>b</sup> προϊστασθαι ὥσθ' οὗτος μὲν ἔχει παρ' ἐκείνων ἀργύριον καὶ οὐ πρότερον τοῦτον εἰσήνεγκεν ὑπὲρ αὐτῶν τὸν νόμον, ἐμοὶ δ' ἐν χιλίαις 701 ὑπὲρ ὑμῶν ὁ κίνδυνος· τοσοῦτον ἀπέχω τοῦ λαβεῖν
- 4 τι παρ' ὑμῶν. εἰώθασι μὲν οὖν οἱ πολλοὶ τῶν πράττειν τι προαιρουμένων τῶν κοινῶν λέγειν ὡς ταῦθ' ὑμῖν σπουδαιότατ' ἐστὶ καὶ μάλιστ' ἄξιον προσέχειν τούτοις, ὑπὲρ ὧν ἂν αὐτοὶ τυγχάνωσι ποιούμενοι τοὺς λόγους. ἐγὼ δ', εἴπερ τινὲ τοῦτο καὶ ἄλλῳ προσηκόντως εἴρηται, νομίζω κάμοι νῦν ἀρμόττειν εἰπεῖν.
- 5 τῶν γὰρ ὄντων ἀγαθῶν τῇ πόλει καὶ τοῦ δημοκρατουμένην καὶ ἐλευθέραν εἶναι ὡς ἄλλο τι τῶν νόμων αἰτιώτερόν ἐστιν, οὐδ' ἂν ἔν' εἰπεῖν<sup>c</sup> οἶμαι. περὶ τοίνυν αὐτοῦ τούτου νῦν ὑμῖν ἐστι, πότερον δεῖ τοὺς μὲν ἄλλους νόμους οὓς ἐπὶ τοῖς ἀδικοῦσι τὴν πόλιν

<sup>b</sup> δικαίως Bens. cum Στ.<sup>c</sup> εἰπεῖν ἔχειν Bl.

θεραπεύειν] 'pay court to,' K. Rather perhaps 'study the interests of,' 'watch for opportunities of aiding:' as in de Cor. p. 332 § 322 τὰς τιμὰς, τὰς δυναστείας, τὰς εὐδοξίας τῆς πατριδος θεραπεύειν, ταύτας αὔξειν: and de F. L. p. 411 § 226=250 τοῖς τὰ Φιλίππου πράγμαθ' ἡρημένοις θεραπεύειν.

ἐν χιλίαις] Androt. §§ 26, 28. Below, § 7.

τοσοῦτον ἀπέχω] Androt. § 2 n.

§§ 4, 5. When, in accordance with the usual practice of public men, I insist upon the importance of the matter in hand, this is no mere figure of speech; for we all attribute our freedom and prosperity to the law, and the question now before you is, whether all the other

statutes against public offenders are to be invalidated, and this one to be established, or this to be repealed and the others to remain in force.

§ 4. εἰώθασι μὲν οὖν] Compare the opening words of Isocr. Or. 3 de Pace: "Ἀπαντες μὲν εἰώθασιν οἱ παριόντες ἐνθάδε ταῦτα μέγιστα φάσκειν εἶναι καὶ μάλιστα σπουδῆς ἄξια τῇ πόλει, περὶ ὧν ἂν αὐτοὶ μέλλωσι συμβουλευέσθαι· οὐ μὴν ἄλλ' εἰ καὶ περὶ ἄλλων τινῶν πραγμάτων ἡρμωσε τοιαῦτα προειπεῖν, δοκεῖ μοι πρέπειν καὶ περὶ τῶν νῦν παρόντων ἐντεῦθεν ποιήσασθαι τὴν ἀρχήν. If these passages stood alone, the resemblance is no more than may be expected in an oratorical commonplace: but Funkhaenel (in Zeitschr. für Alterthumsw. 1837 p. 487) has collected seve-



ὕμεις ἀνεγράψατε, ἀκύρους εἶναι, τόνδε δὲ κύριον, ἢ τοῦναντίον τοῦτον μὲν λῦσαι, κατὰ χώραν δὲ μένειν τοὺς ἄλλους ἐάν. τὸ μὲν οὖν πρᾶγμα, περὶ οὗ δεῖ νῦν ὑμᾶς γνῶναι, ὥς ἐν κεφαλαίῳ τις ἂν εἴποι, τοῦτ' ἐστίν.

- 6 "Ἴνα δ' ὑμῶν μηδεὶς θαυμάζῃ τί δὴ ποτ' ἐγὼ μετρίως, ὥς γ' ἐμαυτὸν πείθω, τὸν ἄλλον χρόνον βεβιωκὼς νῦν ἐν ἀγῶσι καὶ γραφαῖς δημοσίαις ἐξετάζομαι, βούλομαι μικρὰ πρὸς ὑμᾶς εἰπεῖν· ἔσται δὲ ταῦτ' οὐκ ἄπο<sup>d</sup> τοῦ πράγματος. ἐγὼ γάρ, ὦ ἄνδρες Ἀθηναῖοι, προσέκρουσ' ἀνθρώπῳ πονηρῷ καὶ φιλαπεχθήμονι καὶ θεοῖς ἐχθρῷ, ὃ τελευτῶσα ὅλη προσέκρουσεν

<sup>d</sup> ἀπὸ Z Bekk.

ral instances in which it is clear that Demosth. imitated the older orator.

§ 5. ἀνεγράψατε] In the literal sense, 'written up' in some public place, as the laws of Solon were on the *ἄξονες* or *κύρβεις* (*Dict. Antig.* s. v. *Ἀξονες*). Cf. below § 23 ἀναγράψας εἰς λεύκωμα.

τὸ μὲν οὖν πρᾶγμα...τοῦτ' ἐστίν] 'Well, this is the case:' μὲν repeated from τοῦ μὲν ἀγῶνος § 1, and answered immediately by ἵνα δέ.

§§ 6—8. *Motives of the prosecution: Androtion has not yet been punished for the wrongs he has done the state, nor satisfied my revenge for his private injuries.*

§ 6. "Ἴνα δ' ὑμῶν μηδεὶς θαυμάζῃ] The Scholiast here points out the resemblance to the opening words of Isocr. Or. 6 Archidamus: see on § 4. The thought is again a commonplace likely to be frequently repeated: the apology, namely, of

a quiet man for venturing on the unaccustomed rôle of a public prosecutor.

μετρίως] Androt. § 25 n.

ἐμαυτὸν πείθω] Lat. *mihi persuasum habeo*, here and Plat. Gorg. 453 B, has a sense (to be persuaded, i.e. to hold firmly an opinion) clearly distinguishable from that of *πέπεισμαι* (to be persuaded to do something). For the latter cf. Thucyd. v. 40 § 2 τοὺς γὰρ Βοιωτοὺς ὥντο πεπεῖσθαι ὑπὸ Λακεδαιμονίων τό τε Πάνακτον καθελεῖν.

ἐξετάζομαι] 'appear.' Androt. § 66 n. Below, § 173.

ἀπο τοῦ πράγματος] 'foreign to the matter,' 'irrelevant' K.: like ἀπο σκοποῦ, 'wide of the mark.' In this sense the correct accentuation is *ἀπο*, preserved here by the best MSS. The point is discussed in G. H. Schaefer's *Meletemata Critica*, p. 51.

ἐγὼ γάρ, ὦ ἄνδρες] 'You must know, men of Athens, I came into collision with a vile, quar-

7 ἡ πόλις, Ἀνδροτίωνα<sup>ε</sup> λέγω. καὶ τοσούτῳ δεινότερα  
 Εὐκτῆμονος ἡδικήθην ὑπ' αὐτοῦ ὥσθ' ὁ μὲν Εὐκτῆμων  
 εἰς χρήματ' ἔσθ' ἂ κακῶς ἔπαθεν, ἐγὼ δ', εἰ κατώρ-  
 θωσεν ἐκείνος ἦν ἐπ' ἔμ' ἦλθεν ὁδόν, οὐχ ὅτι τῶν 702  
 ὄντων ἀν<sup>ι</sup> ἀπεστερήμην, ἀλλ' οὐδ' ἂν ἔξην<sup>ς</sup>, οὐδ' ὁ

<sup>ε</sup> -νι Bl., v. not.

<sup>ι</sup> ἂν om. Z Bekk. Bens. cum Σ.

<sup>ς</sup> ἔξων Weil, Bl., ἔξην cett.

relsome, abominable fellow' K. A well-known use of γάρ at the beginning of a narrative: 'the fact is.'—θεοῖς ἐχθρῷ, Androt. § 59.

Ἀνδροτίωνα λέγω] Some critics have wished to introduce Ἀνδροτίωνι: and G. H. Schaefer takes the dative for choice wherever MSS. differ, comparing de Chers. p. 96 § 24 καὶ παρ' ὧν ἂν ἕκαστοι δύνωνται, τοῦτων τῶν τὴν Ἀσίαν ἐχόντων λέγω, χρήματα λαμβάνουσιν, and a passage in the Prooemia, no. 50 p. 1457. Here, however, there is no variety of reading: and in doubtful cases Schaefer's preference would now hardly be sustained. All recent editors, with Dindorf at their head, agree in adopting Πολυνείκη for Πολυνέκει in Aesch. Theb. 658, Ἐριβοίαν for Ἐριβοία in Soph. Aj. 569; in the former case with, in the latter without, MS. authority: though Lobeck on the latter passage argues with his usual copious learning in favour of the dative.

§ 7. καὶ τοσούτῳ δεινότερα] The same statement occurs in nearly the same words at the beginning of the Androtion, §§ 1, 2.

εἰς χρήματ' ἔσθ' ἂ] 'suffered, it is true (μὲν), some pecuniary damage: whereas I' &c. K. again omits to give the force of ἔσθ' ἂ: cf. Androt. § 10 n.

ἀπεστερήμην] ἀπεστερήθη MS. Σ: but this is undoubtedly a correction of the rarer pluperfect. Cobet remarks, *Nov. Lect.* p. 524: 'nulla nisi apud Graeculos ultra sit verior lectio potest esse controversia.'

ἔξην] This form of the imperf. for ἔξων is given by all MSS. in the present passage (the only one cited by Veitch s. v. ζάω), and as a variant in Eurip. Alcest. 295, 651. There is no doubt that it is incorrect, and formed by a false analogy from the 2nd and 3rd persons ἔξης, ἔξη. This was seen by the author of the Etymologicum Magnum p. 413. 8, who observes: πλάνης οὖν γενομένης ἐγένετο πρῶτον πρόσωπον ἔξην προσθέσει τοῦ ν ἀπὸ τοῦ τρίτου προσώπου; and, while believing that Euripides had written ἔξην, adds ὥφειλεν εἶναι ἔξων. The only question is, does this error proceed from the writers themselves or from later copyists? Cobet, in his full and interesting discussion of the point (*Nov. Lect.* pp. 524—5), declares emphatically that the 'antiqui' were incapable of such a mistake, and that only 'Graeculi' and 'sequiores' could have perpetrated it. Modern languages abound with false analogies: that the finer linguistic instincts of the Greeks could never have been misled by them, it is easier

κοινὸν ἅπασιν ἐστίν, ἀπαλλαγῆναι τοῦ βίου, ῥάδιον ἦν ἂν μοι<sup>h</sup>. αἰτιασάμενος γάρ μ' ἂ καὶ λέγειν ἂν τις ὀκνήσειεν εὖ φρονῶν, τὸν ἐμαυτοῦ πατέρ' ὡς ἀπέκτονα, ἀσεβείας γραφὴν κατασκευάσας εἰς ἀγῶνα κατέστησεν. ἐν δὲ τούτῳ τὸ πέμπτον μέρος τῶν ψήφων οὐ μεταλαβὼν ὥφλε χιλίας, ἐγὼ δ', ὥσπερ ἦν δίκαιον, μάλιστα μὲν διὰ τοὺς θεούς, ἔπειτα δὲ καὶ διὰ τοὺς δικάζοντας<sup>i</sup> ὑμῶν ἐσώθην. τὸν δὲ εἰς τοιαῦτα καταστήσαντά μ' ἀδίκως ἀδιάλλακτον ἐχθρὸν ἡγοῦμην. ἰδὼν δ' ἡδίκηκότα κοινῇ πᾶσαν τὴν πόλιν καὶ περὶ τὴν εἰσπραξιν τῶν εἰσφορῶν καὶ περὶ τὴν ποιήσιν τῶν πομπείων, καὶ χρήματα πολλὰ τῆς θεοῦ καὶ τῶν

<sup>h</sup> ἐμοί Bekk.<sup>i</sup> δικαστὰς Z Bekk. cum ΣFTΩ et γρ. r.

to assume than to prove.

ἀπαλλαγῆναι τοῦ βίου] As a parricide he would have been held accursed in death, as in life.

εὖ φρονῶν] Expressed in || Androt. by εἰ μὴ τύχοι προσόμοιος ὦν τούτῳ. Some of these variants in the parallel passages are amusing, and some ingenious.

ἀσεβείας γραφὴν κατασκευάσας] In || Androt. (where see note on κατασκ.) it is οὐκ ἐπ' ἐμέ, ἀλλ' ἐπὶ τὸν θεὸν μου.

τὸ πέμπτον μέρος... ὥφλε χιλίας] By the Athenian laws which provided this penalty for litigiousness and frivolous accusations, a distinction was maintained between public and private causes. In the former, a uniform sum of 1000 drachmas was imposed as a fine: in the latter, when damages were sought to be recovered, the penalty was a sixth part of the claim (τίμημα, Lat. *litis aestimatio*), or one obolus in a

drachma, hence called ἐπωβελία. The rule as to the fifth part of the votes was the same for both cases, *Dict. Antiq.* s. v. Epobelía.

τοὺς δικάζοντας ὑμῶν] This must mean 'those of you (the jurors he is now addressing) who were on the former jury:' δικάζοντας being an imperfect participle (Androt. § 25 n.). In Androt. § 10 the present time only is referred to: and there it is τοὺς δικάζοντας ὑμᾶς.

§ 8. τὴν εἰσπραξιν τῶν εἰσφορῶν] His oppressive exactions in reference to the property-tax are related at large Androt. §§ 48—64.

τὴν ποιήσιν τῶν πομπείων] Androt. § 69 ff. 'The manufacture of the sacred utensils' includes of course the melting down of the στέφανοι and recasting them as φιάλαι.

τῆς θεοῦ καὶ τῶν ἐπωνύμων] These would both be included in the ἱερὰ χρήματα of the next §, while τῆς πόλεως would corre-

ἐπωνύμων καὶ<sup>κ</sup> τῆς πόλεως ἔχοντα καὶ οὐκ ἀποδιδόντα, ἦλθον ἐπ' αὐτὸν μετ' Εὐκτήμενος, ἡγούμενος ἀρμόττουτ' εἰληφέναι καιρὸν τοῦ βοηθησαί θ' ἅμα τῇ πόλει καὶ τιμωρίαν ὑπὲρ ὧν ἐπεπόνθειν λαβεῖν. βουλοίμην δ' ἂν ἐμέ τε τυχεῖν ὧν βούλομαι τοῦτόν τε 9 παθεῖν ὧν ἄξιός ἐστι. τοῦ δὲ πράγματος οὐκέτ' ὄντος ἀμφισβητησίμου, ἀλλὰ πρῶτον μὲν τῆς<sup>1</sup> βουλῆς κατεγνωκυίας, εἴτα τοῦ δήμου μίαν ἡμέραν ὅλην

<sup>κ</sup> καὶ om. Bekk.

<sup>1</sup> τῆς om. Bekk. Bens. Weil.

spond to the ὅσια. Hence there is no occasion to suspect καὶ before τῆς πόλεως with Bekker in his first edition, or (with Dobree) the whole phrase καὶ τῆς πόλεως.—For ἐπωνύμων, below § 18 n.

βοηθησαί...τῇ πόλει] Androt. § 1.

βουλοίμην δ' ἂν] Like the corresponding English 'I could wish,' is only a less direct and more modest phrase for βούλομαι. So in Plat. Protag. 333 b ἀξίων αὐτῷ τε ἐξείναι διαλέγεσθαι ὅπως βούλεται, καὶ σοὶ ὅπως ἂν αὐτὸν σὺ βούλῃ (more polite than ὅπως βούλει). Had the sense been 'I wish I *had* accomplished my object, and that the defendant *had* suffered,' &c. we should have had ἐβουλόμεν ἂν. But though the result of the former trial is not directly stated, it is no less plainly hinted at: and had the charge of ἐταίρησις been brought home, Androtion could not have been appointed ambassador and the present case would never have arisen. Androtion has been acquitted, and Diodorus is fulfilling his threat, καὶ νῦν καὶ τὸν ἄλλον ἅπαντα ἀμύνεσθαι χρόνον (Androt. § 3).

ἐμέ τε τυχεῖν] αὐτὸς τε τυχεῖν would, as Weil points out, be

better Greek.

§§ 9, 10. *When Androtion and his accomplices had exhausted every artifice to evade payment of what he owed the state, Timocrates interposed on their behalf with a law which enables any one who pleases to plunder the treasury with impunity. Our only remedy is to impeach the law and endeavour to repeal it.*

§ 9. τοῦ δὲ πράγματος] 'The case being clear' as to A.'s appropriation of public money. Schaefer justly denies that there is any undue abruptness here, as some have thought.

τῆς βουλῆς] The senate had decided by προβούλευμα (like our grand juries) that there was a *prima facie* case against the defendants and that the trial should proceed. Most MSS., including the best, omit the article before βουλῆς and are followed by Bekker and Benseler. The latter gives the meaning as 'one of the two councils:' an instance of his following Σ first and trying to find a justification afterwards. MS. authority must here yield to the sense of Attic usage: no Athenian could have confused the functions of the Senate and the Areiopagus, any more than an Englishman could

ἐπὶ τούτοις αὐτοῖς ἀναλώσαντος, πρὸς δὲ τούτοις δικαστηρίοις δυοῖν εἰς ἓνα καὶ χιλίους ἐψηφισμένων, ἐνούσης δὲ οὐδεμιᾶς ἔτ' ἀποστροφῆς τοῦ μὴ τὰ χρήματ' ἔχειν ὑμᾶς, Τιμοκράτης οὕτως τοσοῦθ' ὑπερεῖδεν ἅπαντα τὰ πράγματα ὥστε τίθησι τουτονὶ τὸν νόμον, δι' οὗ τῶν ἱερῶν μὲν χρημάτων τοὺς θεούς, τῶν ὀσίων δὲ τὴν πόλιν ἀποστερεῖ, ἄκυρα δὲ τὰ γνω- 703 σθένθ' ὑπὸ τῆς βουλῆς καὶ τοῦ δήμου καὶ τοῦ δικαστηρίου καθίστησιν, ἴδειαν δὲ τὰ κοινὰ διαρπάζειν τῷ

write 'the budget was introduced in one of the two Houses of Parliament.'

δικαστηρίοις δυοῖν] Not 'two courts' or juries, but a single jury composed of two divisions of the Heliastic court. The whole number of 6000 Dicasts was divided into ten sections of 500 each, so that 1000 remained over, in order, when necessary, to serve for the filling of vacancies in the sections.

εἰς ἓνα καὶ χιλίους] The number on a jury was always uneven, and if we find 200 or 2000 dicasts mentioned, we are to assume that the round numbers only are given instead of 201 or 2001. These figures may be taken as the extreme limits of an Athenian jury: the most usual number appears to have been 501, at least in the Heliaea, the most dignified of the courts: but Pollux tells us that actions for sums under 1000 drachmas were tried before 201, for larger sums before 401 judges. The higher figures mentioned in the text are supported by Harpocration s. v. ἡλιαία: συνέσαν οἱ μὲν χίλιοι ἐκ δυοῖν δικαστηρίων, οἱ δὲ χίλιοι πεντακῆσιοι ἐκ τριῶν (an instance of the use of round numbers, omitting the odd fi-

gure). All the known examples from ancient authors were collected in Meier and Schoemann's *Att. Process*, pp. 138—140: but fresh light has been thrown upon the subject by inscriptions, and Schoemann in his later work, the *Antiquities*, modified some of his former conclusions. Compare Schoemann, *Antiq.* p. 474 ff., Perrot, *Essai sur le Droit Public d'Athènes*, pp. 242—247, and Lipsius, *Att. Process*, p. 167 ff.—ἐψηφισμένων with δικαστηρίων, an enallage not uncommon with the dual number.

τοσοῦθ' ὑπερεῖδεν] 'treated all the proceedings with such contempt.' Some MSS. read τοσοῦτον, which seems preferable: but this passage is not among those noticed by Cobet (cf. Androt. § 2 n.).

ἀποστερεῖ.....καθίστησιν] As other passages (cf. §§ 16, 189) imply that the prize-money had at last been disgorged by the ambassadors, it has been thought that we have here traces of a double recension of the Speech (Blass, iii. p. 244 ff.). We might, however, explain these presents, as well as πεποίηκεν below, of the permanent effect of Timocrates' law, if suffered to remain unrepealed; 'he deprives the



- 10 βουλομένῳ πεποιήκεν. ὑπὲρ δὲ τούτων ἀπάντων  
 λύσιν ἡνρίσκομεν ταύτην οὖσαν μόνην, εἰ γραψά-  
 μενοι τὸν νόμον καὶ εἰσαγαγόντες εἰς ὑμᾶς λύσαι  
 δυναίμεθα. ἐξ ἀρχῆς οὖν ἐν βραχέσι τὰ πραχθέντα  
 δίειμι πρὸς ὑμᾶς, ἵνα μᾶλλον μάθητε καὶ παρακολου-  
 θήσητε τοῖς περὶ τὸν νόμον αὐτὸν ἀδικήμασιν.
- 11 Ψήφισμ' εἶπεν ἐν ὑμῖν Ἀριστοφῶν ἐλέσθαι ζητη-

gods...invalidates the decisions of the council...and has enabled any one that pleases to plunder the state with impunity.' So K.

§ 10. γραψάμενοι τὸν νόμον] The title of the speech, κατὰ Τιμοκράτους, shows that not merely the law was impeached but its author personally: on the other hand we have πρὸς Λεπτίνην, the speech against the law of Leptines, cf. § 33.

εἰσαγαγόντες εἰς ὑμᾶς] 'bring it before you' K. Rather 'into this court.' εἰσάγειν, εἰσαγωγή, εἰσαγωγίμος are all technical law-terms: cf. § 14.

δίειμι] Cobet *Var. Lect.* p. 307 gives the following rules for the Attic forms from ἔρχομαι and its compounds. Fut. εἶμι never ἐλεύσομαι. Imperf. ἦα (after Menander ἦειν) never ἥρχόμην. Imper. ἴθι not ἔρχου. Part. ἴων not ἐρχόμενος. Such forms as ἐλήλυθα and ἤλθον, the same Ἀττικῶς and Ἑλληνικῶς, did not mislead the copyists.

§§ 11—16. Fuller statement of the circumstances of the passing of Timocrates' law. On occasion of a general inquiry into State debts, information was laid that Archebius and Lysitheides, who had been trierarchs, had not yet accounted for the possession of nine talents and a half of prize money which in law belonged to the state. An-

drotion, Glauketes and Melanopus thereupon took the responsibility upon themselves: they had been sailing as ambassadors on board the trireme which made the capture, and they owned to the possession of the sum claimed. It was very reasonably proposed that the state should exact the money from the trierarchs, and that a Diadicasia should determine the question of liability as between them and the ambassadors. It was at this point, when Androtion and his associates had exhausted every other means of delay, that Timocrates came to their aid with his law—the law which we now impeach. Its immediate effect was that the conspirators did not pay a single drachma at the time: but its permanent effects, if it is allowed to stand unrepealed, will be both disastrous and disgraceful, securing practical impunity for frauds against the treasury.

§ 11. ἐν ὑμῖν] §§ 16, 25. Ἀριστοφῶν] Of the deme Azenia, eminent for his oratorical talents, his restless activity as a politician, and his longevity. According to A. Schaefer i. 162 he was born some years before the Peloponnesian war, and only retired from the Bema about Ol. 107, 1 (B.C. 352—1, a year after the date of this speech). His long life must have nearly

τάς, εἰ δέ τις οἶδέ τινα ἢ τῶν ἱερῶν ἢ τῶν ὁσίων χρημάτων ἔχοντά τι τῆς πόλεως, μηνύειν πρὸς τούτους. μετὰ ταῦτ' ἐμήνυσεν Εὐκτῆμων ἔχειν Ἀρχέβιον καὶ Λυσιθείδην τριηραρχήσαντας χρήματα Ναυκρατικά, τίμημα τάλαντ' ἐννέα καὶ τριάκοντα μνᾶς. προσῆλθε τῇ βουλῇ, προβούλευμ' ἐγράφη. μετὰ ταῦτα γενομένης ἐκκλησίας προὔχειροτόνησεν ὁ δή-  
 12 μος. ἀναστὰς Εὐκτῆμων ἔλεγεν ἄλλα τε πολλὰ καὶ διεξῆλθε πρὸς ὑμᾶς ὡς ἔλαβεν ἡ τριήρης τὸ πλοῖον

coincided with that of Isocrates, born 436; but it was even longer, as we read that he completed 100 years all but a month (Schol. on Aeschin. Timarch. §64 ἐπεβίωσε μέντοι ὁ Ἀριστοφῶν ῥ' ἔτη παρὰ μῆνα). Demosth. calls him δεινὸς λέγειν, Lept. p. 501 §146, and alludes to him in many other passages (see Dindorf's Index Historicus). For his stormy career cf. Aeschin. Ctes. §194: he used to boast (ἐτόλμα σεμνύνεσθαι) that he had been impeached *παρανόμων* 75 times and always acquitted.

[ζητητάς] *Dict. Antiq. s. v. Zetetae*. This passage well brings out the character of these 'inquisitors' or 'commissioners of inquiry' as an occasional or extraordinary office, not a regular magistracy. A period of chronic deficits was likely to lead to their appointment: cf. Androt. §48 n.

[Ἀρχέβιον καὶ Λυσιθείδην] The name Archebius of Lamptra occurs in Boeckh's Naval Inscriptions as trierarch in B.C. 373 and as still alive in 342: the latter is doubtless identical with the Lysitheidēs of Mid. p. 565 §157 (as *πλουσιώτατος* he would be likely to be a trierarch) and of Callipp. p. 1240 §14.

[χρήματα Ναυκρατικά] 'the proceeds of a cargo from Naucratis.' Naucratis was near the westernmost (Canopic) mouth of the Nile, and was a Greek emporium from the seventh century B.C. (Herod. ii. 179). The site, which long remained unknown, was discovered by Mr Flinders Petrie in 1884. See *Journ. Hellen. Soc.* vi. 202—206; Petrie's *Naucratis*, part i., 1886.

[προσῆλθε τῇ βουλῇ] 'the matter came before the senate,' as Benseler: rather than 'he communicated with the council' K. *προβούλευμ' ἐγράφη*, 'an order of council was drawn up.'

[προὔχειροτόνησεν] 'voted for further consideration' R.W., or 'to go into the matter' Benseler. This sense of the word is not noticed in L. and S. On *προβούλευμα* and *προχειροτονίας* see *Dict. Antiq. s. v. Boulé*.

§12. ἔλαβεν ἡ τριήρης τὸ πλοῖον] πλοῖον is, as usual, a merchant ship, *ναῦς στρογγύλη* as distinguished from a *ναῦς μακρά* or ship of war. Mr Whiston in his Introduction observes: 'The capture, so far as we can make out, seems to have been an act of piracy.' It was at least a piece of sharp

ἡ Μελάνωπον ἄγουσα καὶ Γλαυκέτην καὶ Ἀνδροτίωνα  
πρεσβευτὰς ὡς Μαύσωλον, ὡς ἔθεσαν τὴν ἰκετηρίαν

practice. Egypt was at this time in revolt from Persia, and Athens had just been induced by the instances of Artaxerxes III. to abstain from actively aiding his rebellious subjects. The ambassadors may have thought the objects of their mission to Mausolus likely to be forwarded by an act which would not be displeasing to his overlord the king of Persia: and after the ship had been 'condemned' as 'lawful prize,' they had the further satisfaction of keeping the proceeds in their own pockets. The opening words of the Second Argument, *πολέμου τυγχάνοντος Ἀθηναῖοι πρὸς βασιλέα*, give an inexact view of the political situation.

*Μελάνωπον καὶ Γλαυκέτην*] These men and their surroundings are described below §§ 125, 126 with abundance of sarcastic detail.

*πρεσβευτὰς*] The rule that *πρέσβεις* is used as the plural of *πρεσβευτής* appears to have been an Attic refinement, to which even in the best age writers less careful of their style might fail to conform. We do not find *πρεσβευταί*, for instance, in the purist Isocrates; and the present passage (not noticed in Reiske's Index) is perhaps the only one in Demosthenes: but we find it in Andocides (de Pace, last §) and Deinarchus (c. Demosth. §§ 20, 82). The examples formerly quoted from Thucydides (VIII. 77 and 86) are now bracketed as glosses (Classen).

*ὡς Μαύσωλον*] This is the prince whose famous Mausoleum we are beginning to know

better through Sir C. Newton's explorations. On coins and inscriptions (Hicks nos. 101, 102) the name is spelt ΜΑΤΣΣΩΛΑΟΣ. Demosth. speaks of him after his death as having been the prime mover in the Social War of 358—355 B.C.: de Rhod. Lib. p. 191 § 3 *ἡτιάσαντο μὲν γὰρ ἡμᾶς ἐπιβουλεύειν αὐτοῖς Χίλοι καὶ Βυζάντιοι καὶ Ῥόδιοι, καὶ διὰ ταῦτα συνέστησαν ἐφ' ἡμᾶς τὸν τελευταῖον τουτονὶ πόλεμον* φανήσεται δ' ὁ μὲν πρυτανεύσας ταῦτα καὶ πείσας Μαύσωλος. Compare Grote, ch. 86 (VII. 654). The date of this embassy can be fixed within very narrow limits; about September and October, B.C. 355. It was almost certainly after the end of the Social War: and the peace was concluded before the close of the archonship of Elpines, Ol. 106, 1, not later, that is, than midsummer 355. The decree of Androtion, and the subsequent trials, must belong to the first weeks of the archonship of Callistratus, say July and August; and the embassy would doubtless be timed to go and return before navigation closed for the winter. The higher limit is indicated by A. Schaefer, i. 330; the lower, the improbability of a winter voyage, has not been pointed out before.

*ἔθεσαν τὴν ἰκετηρίαν*] 'how the people to whom the cargo belonged presented their petition' K. It is literally 'placed the suppliant bough' (*ἐρίσπεπτον κλάδον*, Aesch. Suppl. 22, *ramos vitta comptos*, Verg. Aen. VIII. 128) upon the altar (*ἰκετηρία κείται ἐπὶ τοῦ βωμοῦ*, Andoc. de

ὦν ἦν τὰ χρήμαθ' ἄνθρωποι<sup>m</sup>, ὡς ἀπεχειροτονήσαθ' ὑμεῖς μὴ φίλι' εἶναι. τότε ἀνέμνησεν ὑμᾶς, τοὺς νόμους ἀνέγνω, καθ' οὓς τοῦτον τὸν τρόπον πραχθέντων τῆς πόλεως γίγνεται τὰ χρήματα. ἐδόκει δίκαια  
 13 λέγειν ὑμῖν ἅπασιν. ἀναπηδήσας Ἀνδροτίων καὶ Γλαυκέτης καὶ Μελάνωπος<sup>n</sup> (καὶ ταυτὶ<sup>o</sup> σκοπεῖτ' 704

<sup>m</sup> ἄνθρωποι libri et Edd. ante Bekkerum.

<sup>n</sup> [καὶ Μελάνωπος] Bens. <sup>o</sup> ταῦτα Z Bekk. Bens. cum ΣΤΩρ.

Myst. § 112: the whole passage from § 110 is a curious illustration of the subject). In Aeschin. c. Timarch. § 104 we have ἱκετηρίαν θέντος εἰς τὴν βουλὴν ὑπὲρ τοῦ μισθοῦ: id. de Fals. Leg. § 15 ἱκετηρίαν θέντες οἱ οικεῖοι ἐδέοντο ὑμῶν (where Dind. and Benseler omit ἐν τῷ δῆμῳ with the best MSS.): Demosth. de Cor. p. 262 § 107 οὐχ ἱκετηρίαν ἔθηκε τριήραρχος οὐδείς ὡς ἀδικούμενος. Below, § 53.

ὡς ἀπεχειροτονήσαθ' ὑμεῖς] ἀποχειροτονεῖν is to 'vote away' from a man (1) an accusation, i.e. acquit him, c. Mid. p. 583 § 214: (2) an office, i.e. depose or supersede him, c. Aristocr. p. 676 § 167, Deinarch. c. Philocl. § 15: and so to reject proposed sureties as insufficient, below § 85: (3) as here, property, Lat. *abjudicare*, 'condemned it in the prize court as enemy's goods.' The emphatic ὑμεῖς seems to imply a popular vote, not a dicastery: the probable results to neutral goods may be easily imagined.

τότε ἀνέμνησεν ὑμᾶς] These words are certainly a little abrupt as they stand, but I do not think that Benseler improves matters by striking out the full stop and connecting them with

ὡς ἀπεχειροτονήσατε. A slight correction, following some traces in the MSS., is τότε ἀνέμνησεν ὑμᾶς τοὺς νόμους οὓς ἀνέγνω: the relative may easily have been lost by homoeoteleuton. A still neater one is simply to omit ἀνέγνω, as added by some one who did not know that ἀναμνήσκω could be joined to a double accusative. This is Madvig's correction, *Advers. Crit.* i. 460: he compares Xen. Anab. iii. 2 § 11 ἀναμνήσω ὑμᾶς καὶ τοὺς τῶν προγόνων κινδύνους, [Demosth.] c. Timoth. p. 1185 § 1 ἐπειδὴν ὑμᾶς ἀναμνήσω τὸν τε καιρὸν κ.τ.λ. I have little doubt that this conjecture is right: it was suggested to Madvig by his pupil Nutzhorn, a promising scholar cut off by an early death.

The orator is said to read the laws when he bids the clerk read them: comp. Mid. p. 517 § 10, where βούλομαι ἀναγνῶναι is followed by the usual formula Λέγε τὸν νόμον, and below § 48.

πραχθέντων] This rather obvious gen. abs. gave trouble to some of the earlier editors: 'things having been done in this way, the money belongs to the state.'

§ 13. ἀναπηδήσας] Androt. § 10 n.

σκοπεῖτε ἂν ἀληθῆ λέγω] As

ἀν ἀληθῇ λέγω) ἐβῶν, ἡγανάκτουν, ἐλοιδοροῦντο, ἀπέλυνον τοὺς τριηράρχους, ἔχειν ὡμολόγουν, παρ' ἑαυτοῖς ζητεῖν ἡξίουν τὰ χρήματα. ταῦτ' ἀκουσάντων ὑμῶν, ἐπειδὴ ποτ' ἐπαύσανθ' οὗτοι βοῶντες, ἔδωκε γνώμην Εὐκτῆμων ὡς δυνατόν δικαιοτάτην, ὑμᾶς μὲν εἰσπράττειν τοὺς τριηράρχους, ἐκείνοις δ' εἶναι περὶ αὐτῶν εἰς τοὺς ἔχοντας ἀναφοράν· ἐὰν δ' ἀμφισβητῇται τι, ποιεῖν διαδικασίαν, τὸν δ' ἡττη-  
 14 θέντα τοῦτον ὀφείλειν τῇ πόλει. γράφονται τὸ ψήφισμα· εἰς ὑμᾶς εἰσῆλθεν· ἵνα συντέμω, κατὰ τοὺς νόμους ἔδοξεν εἰρῆσθαι καὶ<sup>p</sup> ἀπέφυγεν. ἐνταῦθα τί προσῆκεν; τὰ μὲν χρήματ' ἔχειν τὴν πόλιν, τὸν δ' ἀποστεροῦντα κολλάζειν· νόμου δ' οὐδ' ὅτιοῦν οὐδενὸς δήπου προσέδει. μέχρι μὲν δὴ τούτων οὐδὲν ἡδίκησθ' ὑπὸ Τιμοκράτους τουτουί. μετὰ ταῦτα δὲ πάντ'

<sup>p</sup> καπ. Bl.

he is appealing to their recollections of a past fact, we should expect εἰ ἀληθῇ λέγω.

ἀπέλυνον] 'exonerated.' The words ἔχειν ὡμολόγουν were bracketed by Dind. after Dobree, who thought they might have crept in from Libanius' Argument p. 695 init. However we decide this point, παρ' ἑαυτοῖς must go with ζητεῖν: 'desired that the inquisitors should look to them for the money,' seek it in their possession: not of course=παρ' ἑαυτῶν, seek it from them.

ἔδωκε γνώμην ... δικαιοτάτην] γνώμην διδόναι is rare for ἀποφαίνεσθαι or λέγειν. δικαιοτάτην is here objective, 'perfectly fair and reasonable:' in Boeot. de Nom. p. 1006 § 40 γνώμη τῇ δικαιοτάτῃ δικάσειν ὁμωμόκατε it is subjective, 'to the best of your knowledge and belief.'

ἀναφοράν] 'recourse:' a rather different sense from that in de Cor. p. 301 § 219 ἀναφορὰν εἴ τι γένοιτο 'a resource, shift, if anything went wrong:' or in Aeschin. Fals. Leg. § 104 τὴν εἰς τὸ ἀφανὲς ἀναφορὰν 'recourse to concealment.'

διαδικασίαν] Dict. Antiq. s. v. The State merely required that payment should be made, leaving it to the parties to settle among themselves upon whom the loss should fall. We may here translate 'try the question of ownership.'

§ 14. γράφονται] 'They indict the decree; it came into court; to cut the matter short, it was considered to have been moved legally, and the verdict was in its favour.' K. εἰσέρχεσθαι as a law term is correlative to εἰσαγεῖν § 10.



ἀνεδέξατ' ἐφ' αὐτὸν τὰ προειρημένα, καὶ πάντ'  
 ἡδίκημένοι φανήσεσθ' ὑπὸ τούτου· ταῖς γὰρ ἐκείνων  
 τέχναις καὶ πανουργίαις μισθώσας αὐτὸν καὶ παρα-  
 σχὼν ὑπηρέτην ἐφ' αὐτὸν ἤγαγε τὰδικήμαθ', ὡς ἐγὼ  
 15 σαφῶς ἰμῖν ἐπιδείξω. ἀνάγκη δὲ πρῶτον ὑπομνήσαι  
 τοὺς χρόνους ὑμᾶς καὶ τὸν καιρὸν ἐν ᾧ τίθησι τὸν  
 νόμον· καὶ γὰρ ὑβριστικῶς προσεκκεχλευακῶς ὑμᾶς  
 φανήσεται. ἦν μὲν γὰρ σκιροφοριῶν μὴν ἐν ᾧ τὰς

† προσεκκεχλευακῶς Dind. Bl. cum Ωkrs.

ἀνεδέξατ' ἐφ' αὐτὸν] 'Took everything which I have mentioned upon himself;' nearly = ἐφ' αὐτὸν ἤγαγε τὰδικήματα below.

ὑπηρέτην] Max Müller has connected this word with the root *ar* to plough, *Lect. on Science of Lang.* i. p. 254, quoted by R. W. Curtius shows cause in favour of the traditional derivation from *er* to row, the root of ἐρέσσειν, τριήρης, πεντηκόντ-ερ-ος and of Eng. oar. 'The Pet. Dict. [Sanskrit, by Bühnlingk and Roth] compares with ὑπ-ηρ-ε-τη-s, Skt. *ar-a-ti-s* servant, help. This meaning suits well enough the wider sense of ὑπηρέτης, but not the narrower 'oarsman,' which the word with its derivatives certainly has. Hence *ar-a-ti-s* may have been derived directly from the fundamental notion of going, striving [he further compares *δρα*, root of *δράω*], ὑπηρέτης on Greek soil immediately from that of rowing.' *Gr. Etym.* p. 344=i. 428 E. T.

§ 15. τοὺς χρόνους...τὸν καιρὸν] 'the dates...the occasion:' 'die Zeit und die Umstände' (circumstances) Benseler. R. W. refers to Aristocr. p. 666 § 141 ἐν τισι καιροῖς καὶ χρόνοις,

and c. Neaer. p. 1357 § 35, where χρόνος is explained by the mention of the archon, καιρὸς by ἐν ᾧ ἐπολεμείθ' ὑμεῖς.

προσεκκεχλευακῶς] The preferable reading, as the double compound was more likely to be altered.

σκιροφοριῶν] The last month of the Attic year, ending with the summer solstice (May—June). It seems probable that 'the screw' was then put on in order that the year's accounts might be made up. There is an important passage in Andoc. de Myst. § 73 ἡ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρυτανείας, εἰ δὲ μὴ, διπλάσιον ὀφείλειν καὶ τὰ κτήματα αὐτῶν πεπρωσθαι. The authority of Andocides does not stand high as to matters of fact, but on the point of law he is at least more trustworthy than the document quoted below §§ 39, 40. It has not been explained, so far as I am aware, whether the 'ninth Prytany' was to be reckoned from the time the debt was adjudged, or meant the particular time of year. Taken together, these passages clearly point to the latter conclusion. The nine prytanies would correspond approximately to the

- γραφὰς ἡττηντ' ἐκεῖνοι τὰς κατὰ τοῦ Εὐκτήμονος, μισθωσάμενοι δὲ τοῦτον καὶ οὐδὲ παρεσκευασμένοι τὰ δίκαια ποιεῖν ὑμῖν κατὰ τὴν ἀγορὰν λογοποιούς 705 καθίεσαν ὡς ἀπλᾶ μὲν ἔτοιμοι τὰ χρήματ' ἐκτίνειν, 16 διπλᾶ δὲ οὐ δυνήσονται. ἦν δὲ ταῦτ' ἐνέδρα μετὰ χλευασίας καὶ κατασκευασμὸς ὑπὲρ τοῦ λαθεῖν τόνδε τὸν νόμον τεθέντα. μαρτυρεῖ δ' ὅτι ταῦθ' οὕτως ἔχει τοῦργον αὐτό· τῶν μὲν γὰρ χρημάτων ἐκείνοις τοῖς χρόνοις δραχμὴν οὐ κατέθηκαν ὑμῖν, νόμῳ δ' ἐνὶ πλείστους<sup>s</sup> τοὺς ὑπάρχοντας ἀκύρους ἐποίησαν, καὶ τούτῳ τῶν πώποτ' ἐν ὑμῖν τεθέντων αἰσχίστῳ καὶ δεινοτάτῳ.
- 17 Βούλομαι δὴ μικρὰ διεξελθὼν περὶ τῶν κειμένων νόμων, καθ' οὓς εἰσιν αἱ τοιαίδε γραφαί, περὶ αὐτοῦ

<sup>s</sup> πλείους Z Bekk. Bens. cum libris. τοὺς om. Bl.

first eleven months of the year: the tenth would include the month Scirophorion and the last few days of Thargelion: and it was then, I believe, that the State's demands became peremptory.—ἐκεῖνοι] Androtion and the other ambassadors.

λογοποιούς καθίεσαν] 'they sent persons down into the Agora to spread a report:' a rare sense of λογοποιός, but it occurs Theophr. Char. 8 (6), and λογοποιεῖν is common enough, e.g. Mid. p. 578 § 198 περιῶν ἐλογοποιεῖ. Λογοποιός usually means (1) an historian, Ἐκαταῖος ὁ λογοποιός Herod. II. 143; (2) a speech-writer, like λογογράφος, Plat. Phaedr. 257 c, Euthyd. 289 d.

§ 16. ἐνέδρα μετὰ χλευασίας] 'an impudent conspiracy' K., 'a trap, in which they tried to catch you,' as Benseler explains

it.—κατασκευασμός, Androt. § 2 n.

ἐκείνοις τοῖς χρόνοις] 'in all that time [such is the force of the plural] they had not paid you a drachma:' rather than 'did not pay,' as K. It is admitted that the money had now been paid (cf. § 189 n.).

πλείστους] A correction of Dobree's, silently adopted by Dindorf. The Zurich editors suggest πάντας as more in accordance with the usage of Demosth.

ἐν ὑμῖν] Below, § 211.

§§ 17—19. I will first state briefly the rules which govern new legislation, any breach of which renders the proposer liable to impeachment (γραφὴ παρανόμων). Timocrates has broken not one, but all of these rules: I must therefore take the charges one by one, and speak separate-

τοῦ νόμου λέγειν ὃν γέγραμμαι· γεινήσεσθε γὰρ εὖμα-  
θέστεροι πρὸς τὰ λοιπὰ ταῦτα προακούσαντες. ἔστιν,  
ὦ ἄνδρες Ἀθηναῖοι, ἐν τοῖς οὖσι νόμοις ἡμῖν κυρίους  
διωρισμέν' ἀκριβῶς καὶ σαφῶς πάνθ' ὅσα δεῖ ποιεῖν  
18 περὶ τῶν μελλόντων τεθήσεσθαι νόμων. καὶ πρῶτον  
μὲν ἀπάντων χρόνος ἐστὶ γεγραμμένος, ἐν ᾧ προσήκει  
νομοθετεῖν· εἴτ' οὐδὲ τόθ' ὥς ἂν ἐκάστῳ δοκῇ δέδωκε  
τοῦτο πράττειν, ἀλλὰ προστάττει πρῶτον μὲν ἐκ-  
θεῖναι πρόσθεν τῶν ἐπωνύμων γράψαντα σκοπεῖν τῷ  
βουλομένῳ, μετὰ ταῦτ' ἐπὶ πᾶσι τὸν αὐτὸν νόμον

ly of each. But first the laws embodying these rules shall be read: you will then see that he complied with none of the legal requirements.

§ 17. γέγραμμαι] The middle sense of the verb here is followed in the course of a few lines by examples of the passive (γεγραμμένος) and active (γράψαντα).

ἐν τοῖς—κυρίοις] There is here a redundancy of expression, emphasizing the inexcusableness of T.'s conduct: 'in the existing laws, in force among us, is clearly and accurately defined everything which is required to be done in the case of laws about to be proposed.' So K., nearly.

§ 18. δέδωκε...προστάττει] It is easy to supply ὁ νομοθέτης. The indirect turn of the phrase may be preserved by translating 'it is not permitted'... 'it is enjoined.'

ἐκθεῖναι] Another 'locus classicus' on Athenian legislation is Aeschin. Ctes. §§ 37—39, where we find the same provisions for exhibiting the new law in writing before the statues of the Eponymi (ἀναγεγραφότας

ἐν σάνισιν, cf. below § 23 ἀναγράφας εἰς λεύκωμα), and for repealing inconsistent laws. In Demosth. Lept. p. 485 § 94 a further guarantee for publicity is mentioned: ἐκθεῖναι πρόσθε τῶν ἐπωνύμων καὶ τῷ γραμματεῖ παραδοῦναι, τοῦτον δ' ἐν ταῖς ἐκκλησίαις ἀναγινώσκειν, ἕν' ἕκαστος ὑμῶν ἀκούσας πολλάκις καὶ κατὰ σχολὴν σκεψάμενος ἂν ἦ καὶ δίκαια καὶ συμφέροντα, ταῦτα νομοθετῇ. The statues of the heroes, after whom the ten tribes were named, stood in the Cerameicus near the Tholos (Paus. i. 5 § 1: Wolf, Proleg. Lept. p. 133).

ἐπὶ πᾶσι τὸν αὐτὸν] 'applying to,' whether 'for' or 'against.' Cf. §§ 59, 135, 159. The few exceptions to this rule were fenced in by additional safeguards. 'Privilegia,' whether against an individual ('bills of pains and penalties') or in his favour, required to be passed by 6000 of the people in assembly, voting secretly. Of the former class, ostracism is a well-known example: of the latter may be instanced the naturalisation of foreigners (c. Neaer. p. 1375 § 89), and the restitution of civic rights to the ἀπίμοι,

τιθέναι κελεύει, πρὸς τούτοις λύειν τοὺς ἐναντίους, ἄλλα περι<sup>τ</sup> ὧν οὐδὲν ἴσως ὑμᾶς κατεπείγει νῦν ἀκοῦσαι. ἂν δέ τις τούτων ἐν παραβῇ, τῷ βουλο-  
 19 μένῳ δίδωσι γράφεσθαι. εἰ μὲν οὖν μὴ πᾶσιν ἦν ἔνοχος τούτοις Τιμοκράτης καὶ παρὰ πάντα ταῦτ' εἰσηγητόν τὸν νόμον, ἐν ἂν αὐτοῦ τις ἐποιεῖτο κατηγόρημα, ὃ τι δήποτε τοῦτ' ἦν· νῦν δ' ἀνάγκη καθ' ἕκαστον χωρὶς [περὶ ἐκάστου] διελόμενον λέγειν. πρῶτον μὲν οὖν, ὅπερ ἡδίκησε πρῶτον, τοῦτ' ἐρῶ, ὡς 706 παρὰ πάντας τοὺς νόμους ἐνομοθέτει, εἶτα τῶν ἄλλων ἐξῆς ὃ τι ἂν βουλομένοις ὑμῖν ἀκούειν ἦ. καὶ μοι λαβὲ τουτουσὶ τοὺς νόμους καὶ ἀνάγνωθι· φανήσεται γὰρ τούτων οὐδὲν πεποιηκῶς. προσέχετε, ὧ ἄνδρες δικασταί, τὸν νοῦν ἀναγιγνωσκομένοις τοῖς νόμοις.

<sup>τ</sup> ἄλλ' ὑπὲρ Bl.

below § 45 ff. Demosth. enlarges upon this topic below, §§ 59, 60.

τῷ βουλομένῳ δίδωσι γράφεσθαι] The full phrase is τῷ βουλομένῳ, οἷς ἔξεστι, i.e. qualified by age (twenty) and not disqualified by Atimia. Below, § 105.

§ 19. παρὰ πάντα—τὸν νόμον] 'if he had violated all these conditions in introducing his law' K. rightly, preserving the force of the article.

διελόμενον] 'H. l. idem valet quod διελόντα' Dind. In this sense of 'distinguishing' the active is more common, as in Aristocr. p. 637 § 54, r. Aphob. p. 817 § 12 χωρὶς ἕκαστον διελεῖν. We find, however, Plato employing διαιρεῖν and διαιρεῖσθαι indiscriminately in the sense usual with him, of 'explaining,' Protag. 314 B, 339 A.

ὡς παρὰ πάντας] Madvig *Ad-*

*vers. Crit.* i. 460 suggests ὦν for ὡς: but the text yields a sufficiently good sense. That T.'s law is contrary to the existing laws is not the only objection to it; there are others grounded on its ill effects, and these are referred to in τῶν ἄλλων.

τουτουσὶ] 'Pointing to them in the hands of the officer' R.W.

§§ 20—23. *Revision of the laws.* These §§ profess to be the actual laws which the speaker has just called upon the clerk to read. But the documents inserted in various speeches of Demosthenes are now, as a general rule, acknowledged not to be genuine. In most cases all their information is derived from the context. One of the few exceptions is the law in Demosth. c. Macart. p. 1069 §§ 57, 58, identical with an inscription in *C. I. A.* i. 61. The notion of Taylor, that the

ΕΠΙΧΕΙΡΟΤΟΝΙΑ<sup>v</sup> ΝΟΜΩΝ.

20 [Ἐπὶ δὲ τῆς πρώτης πρυτανείας τῇ ἐνδεκάτῃ ἐν τῷ δήμῳ, ἐπειδὴν εὐξήται ὁ κῆρυξ, ἐπιχειροτονίαν ποιεῖν τῶν νόμων, πρῶτον μὲν [περὶ] τῶν βουλευτικῶν, δεύτερον δὲ τῶν κοινῶν, εἴτα οἱ κείνται τοῖς ἐννέα ἄρχουσιν, εἴτα τῶν ἄλλων ἀρχῶν. ἡ δὲ χειροτονία<sup>x</sup>

<sup>v</sup> EPI XEIPOTONIAN Bens. cum Σ.

<sup>x</sup> ἐπιχειροτονία vulgo et Dind. Illud Σ.

document contains extracts from the laws as they were actually read to the court, and that this circumstance is sufficient to account for their fragmentary character, is much too favourable to it.

§ 20. Ἐπὶ δὲ τῆς πρώτης πρυτανείας] This may have been a mere inference (though probably a correct one) from the orator's words in § 26. The κύρια ἐκκλησίαι were held, according to the Scholiast, on the eleventh, twentieth, and thirtieth days of each prytany: hence the 11th of Hecatombaeon would be the first assembly of the first prytany of the year.

ἐπιχειροτονίαν ποιεῖν] 'The question shall be put to the vote about the laws' whether they are to be confirmed as they stand, or to be revised. The legislative formula, expressed in Latin by the third person imperative, in Greek varies between the imperative (δεδοχθῶ, cf. εἰσαγόντων, ἀνιόντων § 22) and the infinitive (δεδοχθαι, cf. ποιεῖν, χρηματίζειν § 21). Hence it is hardly necessary to supply with Reiske δεῖ τοὺς πρυτάνεις: but the latter part of his note gives the sense of ἐπιχειροτονία more accurately than some later interpreters: 'danto prytanes contioni facultatem leges ve-

teres suffragio suo confirmandi.'

Those who voted for the confirmation of the law as it stood were said ἐπιχειροτονεῖν, those who thought it needed revision, ἀποχειροτονεῖν: the division on this question is διαχειροτονία, below § 25. So with regard to the ἐπιχειροτονία τῶν ἀρχῶν or vote taken on the conduct of magistrates in the first assembly of each prytany: cf. *Dict. Antiq.* s. v. Cheirotomia.

βουλευτικῶν] 'those which concern the senate,' opp. to κοινῶν, of general application. A distinction, as it seems to me, more likely to have been drawn by a grammarian than by business-like Athenian legislators. And in the words which follow εἴτα οἱ κείνται κ.τ.λ. there is a tolerably evident confusion between ἐπιχειροτονία τῶν νόμων and ἐπιχ. τῶν ἀρχῶν. On the whole I suspect that the authenticity of the matter of this document, apart from its defects of form, has been rated too highly by the writers just referred to.

ἡ δ' χειροτονία] The right reading is certainly ἡ δὲ χειροτονία, 'the first question put to the vote.' So Benseler after MS. Σ: cf. Westerm. i. 16 (Abhandlungen). The first question is, in effect, 'Does any one



ἔστω ἢ προτέρα, ὅτῳ δοκοῦσιν ἀρκεῖν οἱ νόμοι οἱ βουλευτικοί, ἢ δ' ὑστέρα, ὅτῳ μὴ δοκοῦσιν· εἵτα τῶν κοινῶν κατὰ ταῦτά. τὴν δ' ἐπιχειροτονίαν εἶναι  
 21 τῶν νόμων κατὰ τοὺς νόμους τοὺς κειμένους. εἰάν δέ τινες τῶν νόμων τῶν κειμένων ἀποχειροτονηθῶσι, τοὺς πρυτάνεις, ἐφ' ὧν ἂν ἡ ἐπιχειροτονία γένηται, ποιεῖν περὶ τῶν ἀποχειροτονηθέντων τὴν τελευταίαν τῶν τριῶν ἐκκλησιῶν· τοὺς δὲ προέδρους, οἳ ἂν τύχῳσι προεδρεύοντες<sup>γ</sup> ἐν ταύτῃ τῇ ἐκκλησίᾳ, χρημα-

<sup>γ</sup> παρῆδρ. Bens. cum Σ.

wish to introduce a bill to amend any law?' If there was no answer, the second question need not be put at all.

τὴν δ' ἐπιχειροτονίαν] 'A clause which seems mere surplusage, with no reference to the orator's argument.' R. W. It is impossible that such a platitude can ever have formed part of the law.

§ 21. ἐφ' ὧν ἂν ἡ ἐπιχειροτονία] K.'s version, 'in whose term of office the condemnation shall have taken place,' follows an inferior reading ἀποχειροτονία. 'Vote' is the rendering of the text: 'in deren Amtszeit die Abstimmung fällt,' Benseler.

ποιεῖν] 'shall appoint (§ 20 n.) the last of three assemblies (of the current prytany) for the consideration of the laws denounced.' In the time of Demosthenes there were four assemblies in each prytany; but the compiler may have been thinking of a later usage. Compare *Dict. Antiq.* i. 697 b.

προεδρεύοντες] It is just possible that the 'falsarius' in his admiration of legal tautology may have written this: but παρῆδρῶντες seems every way

more probable: it is the reading of the best MSS. and, of the two, the more likely to have been altered by the copyists. The traditional account of the Proedri and Epistates has been corrected by recent scholarship. 'The statement of some later authors of slight authority that ten proedri at a time were chosen from the Prytanes for seven days, and from among them the Epistates, finds no confirmation from more trustworthy sources' (Schoemann, *Antiq.* p. 377). But, at some period between 378 and 369 B.C., the following arrangement was introduced: 'the Epistates of the Prytanes chose by lot one proedrus out of each of the remaining Phylae or sections of the Council, and therefore nine Proedri in all, of whom one served as president in the full sittings of the Council, as well as in the Popular Assembly, and was likewise called Epistates' (*ibid.* cf. p. 382). The following points should be noted in correction of the common account: (1) There were not two classes of proedri, one of ten members, the other of nine: but one of

τίζειν ἐπάναγκες πρῶτον μετὰ τὰ ἱερὰ περὶ τῶν νομοθετῶν, καθ' ὃ τι καθεδοῦνται, καὶ περὶ τοῦ ἄργυρίου, ὁπόθεν τοῖς νομοθέταις ἔσται· τοὺς δὲ νομοθέτας εἶναι ἐκ τῶν ὁμωμοκότων τὸν ἡλιαστικὸν 22 ὄρκον. ἐὰν δ' οἱ πρυτάνεις μὴ ποιῶσι κατὰ τὰ γεγραμμένα τὴν ἐκκλησίαν ἢ οἱ πρόεδροι μὴ χρηματίσωσι κατὰ τὰ γεγραμμένα<sup>α</sup>, ὀφείλειν τῶν μὲν πρυτά-

<sup>α</sup> τοῦ *om.* Z Bekk. Bens. cum ΣFTΩ.

<sup>α</sup> κατὰ τὰ γεγρ. *om.* Bekk. Bl.

nine only. (2) Two officers, not one, bore the name of Epistates: the Epistates of the Prytanes, and the Epistates of the nine Proedri. (3) The former was chosen by lot directly from the fifty Prytanes: not by a double process, as one of ten Proedri. It is easy to see that when the ἐπιστάτης τῶν προέδρων (Aeschin. Ctes. § 39) had become confused with the ἐπιστάτης τῶν πρυτάνεων or Epistates properly so called, the result would be (a) the notion of 10 proedri as a subdivision of the 50 prytanes: (b) when it was discovered that the proedri must be distinct from the prytanes, as representing the other nine (non-presiding) tribes, the further notion that there were two distinct sets of proedri. To return to the text: the nine proedri may well have been, as Benseler remarks, a sort of 'assessors' (πάρεδρος, παρεδρεύειν) to the prytanes: while the phrase οἱ ἂν τύχωσι expresses the fact of their election by lot.

χρηματίζειν] In the usual sense of the word, 'to bring forward a measure in the Ecclesia,' corresponding to *referre* in Latin: cf. Shilleto on F. L. p. 430 § 278=317.

περὶ τῶν νομοθετῶν] 'concern-

ing the law-revisers, in what manner they shall hold their session, and how their pay is to be provided,' K., cf. *Dict. Antiq.* s. v. Nomothetes. The passage throws light on the constitution both of the Nomothetae and the Heliastae. The former were not a permanent committee of the latter, but were chosen for the nonce, when the (third) Ecclesia had ruled that a given law was to be revised: the number seems to have varied according to the importance of the law under criticism (below § 27 n.). They were chosen from among those who 'had sworn the Heliastic oath' (cf. below, §§ 58, 149—151): hence we learn that the oath was administered, not to each jury as it was impanelled, but once for all to the whole body of the Heliastae at the beginning of each year.

§ 22. ὀφείλειν ... ὀφειλέτω] 'shall forfeit,' § 20 n. So ἐνδειξις αὐτῶν ἔστω, 'an information shall lie against them:' τοὺς ἐνδειχθέντας — ἀνιόντων, 'shall bring the parties informed against into court according to law, or they shall lose their promotion to the Areiopagus,' K. For the rule of admission to the Areiopagus compare the

νεων ἕκαστον χιλίας δραχμὰς ἱερὰς τῇ Ἀθηνᾷ, τῶν 707  
 δὲ προέδρων ἕκαστος ὀφειλέτω τετταράκοντα δρα-  
 χμὰς ἱερὰς τῇ Ἀθηνᾷ. καὶ ἔνδειξις αὐτῶν ἔστω πρὸς  
 τοὺς θεσμοθέτας, καθάπερ εἰάν τις ἄρχῃ ὀφείλων τῷ  
 δημοσίῳ· οἱ δὲ θεσμοθέται τοὺς ἐνδειχθέντας εἰσα-  
 γόντων εἰς τὸ δικαστήριον κατὰ τὸν νόμον ἢ μὴ  
 ἀνιόντων εἰς Ἀρειον πάγον, ὡς καταλύοντες τὴν  
 23 ἐπανόρθωσιν τῶν νόμων. πρὸ δὲ τῆς ἐκκλησίας ὁ  
 βουλόμενος Ἀθηναίων ἐκτιθέτω πρόσθεν τῶν ἐπωνύ-  
 μων γράψας τοὺς νόμους οὓς ἂν τιθῇ, ὅπως ἂν πρὸς  
 τὸ πλῆθος τῶν τεθέντων νόμων ψηφίσηται ὁ δῆ-  
 μος περὶ τοῦ χρόνου τοῖς νομοθέταις. ὁ δὲ τιθεὶς τὸν  
 καινὸν νόμον, ἀναγράψας εἰς λεύκωμα, ἐκτιθέτω  
 πρόσθεν τῶν ἐπωνύμων ὁσημέραι, ἕως ἂν ἡ<sup>b</sup> ἐκκλησία  
 γένηται. αἰρεῖσθαι δὲ καὶ τοὺς συναπολογησομένους

<sup>b</sup> ἢ *om.* Bekk. Bens. *cum libris.*

Argument to the Androtion, p. 589, 6.

χιλίας ... τετταράκοντα] The disparity between the fines imposed on the Prytanes and on the Proedri has suggested various corrections of τετταράκοντα: δισχιλίας (β) Dobree, μυρίας instead of μ' Westermann. But this is treating the document with more respect than it deserves.

εἰάν τις ἄρχῃ ὀφείλων] This was the offence against which ἐνδειξις was more especially directed. *Comp. Dict. Antig.* s.v. Endeixis: and for the attitude of the Athenians towards state debtors, Androt. § 48 n.

καταλύοντες] 'making the amendment of the laws null and void' by their obstructiveness.

§ 23. ἐκτιθέτω πρόσθεν τῶν ἐπωνύμων] § 18 n. That the sentences in which this clause

is repeated could not have formed parts of the same law, was seen by Taylor, and after him by Westermann, Benseler, and Whiston. The attempt of H. Schelling to distinguish them as applying (1) to proposals of new legislation by individual citizens, (2) to laws already referred by ἐπιχειρονομία to the Nomothetae, passed by them, and now awaiting their final ratification by the assembly, has not found favour with his countrymen. As Benseler remarks, the 'white board' must have been in use on both occasions.

ψηφίσηται] 'may determine what time shall be allowed for the law-revisers,' K.—ἡ ἐκκλησία] The article is added from a conjecture of Dobree's, and seems necessary to the sense.

τοὺς συναπολογησομένους] The name *συνήγοροι* (below § 26) or

τὸν δῆμον τοῖς νόμοις, οἳ ἂν ἐν τοῖς νομοθέταις λύωνται, πέντε ἄνδρας ἐξ Ἀθηναίων ἀπάντων, τῇ ἐνδεκάτῃ τοῦ ἑκατομβαιῶνος μηνός.]

- 24 Οὗτοι πάντες οἱ νόμοι κεῖνται πολὺν ἤδη χρόνον, ὃ ἄνδρες δικασταί, καὶ πείραν αὐτῶν πολλάκις δεδωκασιν ὅτι συμφέροντες ὑμῖν εἰσι, καὶ οὐδεὶς πώποτ' ἀντεῖπε μὴ οὐ καλῶς ἔχειν αὐτούς. εἰκότως· οὐδὲν γὰρ ὧμὸν οὐδὲ βίαιον οὐδ' ὀλιγαρχικὸν προστάττουσιν, ἀλλὰ τοῦναντίον πάντα φιλανθρωπῶς καὶ δημο-  
25 τικῶς φράζουσι πράττειν. καὶ πρῶτον μὲν ἐφ' ὑμῖν

σύνδικοι (Lept. p. 501 § 146) was given to several classes of persons appointed to speak on behalf of the public, and holding what we might term a government brief. We find them here and Lept. *l.c.* appointed to argue in defence of the laws which it was proposed to repeal: conducting the prosecution in cases of Eisangelia, and then usually ten in number, and also called *κατήγοροι* (*Dict. Antiq. s. v. Eisangelia*). For other purposes the number varied: thus we have four *σύνδικοι* defending the law against the proposal of Leptines. They were not a permanent body, but were chosen for each occasion: and they are to be distinguished from the *συνήγοροι κληρωτοί*, of whom there were also ten, who aided the Logistae in auditing the public accounts (*Schoemann, Assemblies*, p. 108: *Westermann, ap. Pauly s. v. συνήγοροι*).

τῇ ἐνδεκάτῃ τοῦ ἑκατομβαιῶνος μηνός] That the *συνήγοροι* who were to defend the old laws should be chosen at the very first assembly of the year, before it was known what amend-

ments would be proposed, and which of them would pass the preliminary stage and reach the *Nomothetae*, is justly regarded as a very suspicious circumstance by *Westermann, Franke*, and others. The more closely this document is examined, the less will it appear even to be compiled out of genuine materials.

§§ 24—27. *These laws are of long standing and of proved expediency: there is nothing arbitrary or oligarchical in their provisions: nothing but what is temperate and breathes the spirit of our popular institutions. They provide ample safeguards for the leisurely consideration of every proposed new law. But Timocrates complied with none of these rules: he neither gave his law the required publicity, nor invited discussion, nor waited for any of the prescribed periods. He smuggled his law through on the very next day: the words of the decree appointing Nomothetae for the occasion are sufficient to prove that the whole affair was a conspiracy of Timocrates and his associates.*

§ 24. φράζουσι πράττειν]

ἐποίησαν διαχειροτονίαν, πότερον εἰσοιστέος ἐστὶ νόμος καινὸς ἢ δοκοῦσιν ἀρκεῖν οἱ κείμενοι· μετὰ ταῦτα δ' αὖν χειροτονήσῃτ' εἰσφέρειν, οὐκ εὐθὺς τιθέναι προσέταξαν, ἀλλὰ τὴν τρίτην ἀπέδειξαν ἐκκλησίαν, καὶ οὐδ' ἐν ταύτῃ τιθέναι δεδώκασιν, ἀλλὰ σκέψασθαι καθ' ὃ τι τοὺς νομοθέτας καθιεῖτε. ἐν δὲ τῷ μεταξὺ 708 χρόνῳ τούτῳ προσέταξαν τοῖς βουλομένοις εἰσφέρειν ἐκτιθέναι τοὺς νόμους πρόσθεν τῶν ἐπωνύμων, ἵν' ὁ βουλόμενος σκέψηται, καὶ ἀσύμφορον ὑμῖν κατίδη τι, 26 φράση καὶ κατὰ σχολὴν ἀντεῖπη. τούτων μέντοι τοσούτων ὄντων οὐδὲν πεποίηκε Τιμοκράτης οὕτως· οὔτε γὰρ ἐξέθηκε τὸν νόμον, οὔτ' ἔδωκεν, εἴ τις ἐβούλετ' ἀναγνοὺς ἀντειπεῖν, οὔτ' ἀνέμεινε οὐδένα τῶν τεταγμένων χρόνων ἐν τοῖς νόμοις, ἀλλὰ τῆς ἐκκλησίας, ἐν ἣ τοὺς νόμους ἐπεχειροτονήσατε, οὔσης ἔνδεκάτῃ<sup>1</sup> τοῦ ἑκατομβαιῶνος μηνός, δωδεκάτῃ τὸν νόμον εἰσήνεγκεν, εὐθὺς τῇ ἵστεραίᾳ, καὶ ταῦτ' ὄντων Κρονίων καὶ διὰ ταῦτ' ἀφειμένης τῆς βουλῆς, διαπραξά-

<sup>c</sup> χειροτονήτε Z cum Σr. χειροτονήτ' Bens.

<sup>d</sup> ἑνδεκάτης libri. Illud e coni. Hieron. Wolfii.

Nearly = προστάττουσιν above: but the use of φράζειν for κελεύειν is extremely rare in prose.

§ 25. ἐφ' ὑμῖν] The διαχειροτονία (§ 20 n.) really belonged to the people in Ecclesia assembled: Demosth. here assigns it to the jury he is addressing by a complimentary turn of phrase not unfrequent in the Orators. Comp. § 11, Ψήφισμ' εἶπεν ἐν ὑμῖν Ἀριστοφῶν.

χειροτονήσῃτ' εἰσφέρειν] Benseler is almost certainly right in avoiding the hiatus: on the other hand, the aorist is more appropriate than the present in reference to a single vote.

καθ' ὃ τι τοὺς νομοθέτας καθιεῖτε] 'on what terms you will appoint the session of the law-revisers' K. Correlative to the expression καθ' ὃ τι καθεδούνται in § 21, which is most likely fabricated from the present passage.

§ 26. τῶν τεταγμένων χρόνων] Explained by τὴν τελευταίαν τῶν τριῶν ἐκκλησιῶν § 21, τὴν τρίτην ἀπέδειξαν ἐκκλησίαν § 25. The legal interval would be nearly three weeks (Hecatombaeon 11—30, see § 20). Cf. Gilbert, *Staatsalterth.* i. 285.

Κρονίων] The festival of Kronos (Saturn) on the 12th of Hecatombaeon, *Dict. Antiq.*



μενος μετὰ τῶν ὑμῖν ἐπιβουλευόντων καθέζεσθαι νομοθέτας διὰ ψηφίσματος ἐπὶ τῇ τῶν Παναθηναίων  
 27 προφάσει. βούλομαι δ' ὑμῖν τὸ ψήφισμ' αὐτ' ἀναγνώναι τὸ νικῆσαν, ἵν' ἴδῃθ' ὅτι πάντα συνταξάμενοι καὶ οὐδὲν ἀπὸ ταυτομάτου τούτων ἔπραττον. λαβὲ τὸ ψήφισμ' αὐτοῖς καὶ<sup>f</sup> ἀναγίγνωσκε σύ.

<sup>e</sup> εἰδῇθ' vulgo et Dind. *Illud* Σ.

<sup>f</sup> καὶ om. Bens. cum ΣFrv.

s. v. — ἀφεμένῃς, 'discharged from attendance' because of the holiday. Cf. § 29 ἀπάντων ὑμῶν ἀγόντων ἱερομηνίαν.

Παναθηναίων] The question whether these were the Greater or Lesser Panathenaea is of some interest in connexion with the chronology of this speech. The Greater Panathenaea were held every four years (a πεντετηρίς) in the third year of each Olympiad, and lasted twelve days, Hecatombaeon 17—28. In other years the Lesser Panathenaea were held at the same season: it is probable, though not certain, that they also lasted twelve days (*Dict. Antiq.* s. v.). Now the date of this speech is some time in the archonship of Eudemus (or Thudemus, according to Blass p. 244) Ol. 106, 4, B.C. 353—2. There were Greater Panathenaea in the archonship of Diotimus, at the beginning of Ol. 106, 3, July 354. If the Greater are intended, upwards of a year must have elapsed between the law of Timocrates and Diodorus' prosecution of it. According to Benseker, the point was rightly decided in favour of the Lesser (i. e. July 353) by Blume in his prolegomena. I have not been able to consult Blume's tract, an inaugural dissertation at Berlin,

1823; but his conclusion is a certain one. It is clear throughout the speech that the person of the defendant is attacked, and not merely his law: the προθεσμία or time limit of a year had not expired. Hence it is quite impossible that the law can have been proposed at the Greater Panathenaea of 354. Blass, who does not allude to the Panathenaea, gives by implication the same date when he remarks that 'at the end of Ol. 106, 3 (=summer of 353) matters had gone so far that Androtion and his colleagues had only the alternatives of immediate payment or of being adjudged defaulters.'

§ 27. συνταξάμενοι] opp. to ἀπὸ ταυτομάτου, 'everything by deliberate contrivance, and nothing on the spur of the moment.'

λαβὲ τὸ ψήφισμ' αὐτοῖς] ('To the clerk) 'For the information of the jury, take the decree and read it:' αὐτοῖς is to be joined (as a dat. commodi) to λαβέ, not to ἀναγίγνωσκε. A commoner phrase in Demosth. is λαβέ μοι, 'please take.' Benseker follows Σ and some other MSS. in omitting καὶ, and justifies the abruptness of ἀναγίγνωσκε σύ by other instances: he translates 'Nimm ihnen das Decret her. Lies es.'

## ΨΗΦΙΣΜΑ.

[Ἐπὶ τῆς Πανδιονίδος πρώτης, ἑνδεκάτῃ τῆς πρυτανείας, Ἐπικράτης εἶπεν, ὅπως ἂν τὰ ἱερὰ θύηται καὶ ἡ<sup>s</sup> διοίκησις ἱκανὴ γένηται καὶ εἴ τινος ἐνδεὶ πρὸς τὰ Παναθήναια διοικηθῇ, τοὺς πρυτάνεις τοὺς τῆς Πανδιονίδος καθίσαι νομοθέτας αὔριον, τοὺς δὲ νομοθέτας εἶναι ἓνα καὶ χιλίους ἐκ τῶν ὁμωμοκότων, συννομοθετεῖν δὲ καὶ τὴν βουλὴν.]

<sup>s</sup> καὶ πῶς ἡ Bens. cum Σρ.

Ἐπὶ τῆς Πανδιονίδος πρώτης] This psephisma is evidently a clumsy forgery. Several eccentricities of phrase or statement are noticed by Benseler: (1) ἐπὶ τῆς Π. πρώτης should be ἐπὶ τῆς Π. φυλῆς πρώτης πρυτανευούσης, implying that the Pandionid tribe had drawn by lot the first prytany this year: (2) συννομοθετεῖν δὲ καὶ τὴν βουλὴν is inconsistent with ἀφειμένης τῆς βουλῆς in the preceding section: (3) it was not the Prytanēs, but the Thesmothetae, who presided over the framing of new laws; see however below, § 33 n.: (4) the absence of the usual introductory formulas, examples of which are given in Schoemann, *Antiq.* p. 386. Another argument, in which I am unable to follow Benseler, will be noticed further on.

Ἐπικράτης] This is the reading of all modern Edd. since Taylor, supported by most of the MSS. and the scholiast Ulpian. Dindorf rightly insists that copyists were likely enough to substitute the name of Timocrates for the obscure Epicrates, while the latter name could not have found its way into the MSS. unless it were the genuine

reading. Ulpian's remark is: ἔγραψεν ὁ Ἐπικράτης, φίλος τοῦ Τιμοκράτους...εἰ γὰρ καὶ τὰ δύο ἐποίησεν ὁ Τιμοκράτης, ὑποπτος ἂν ἐγίνετο. The expressions μετὰ τῶν ὑμῖν ἐπιβουλευόντων § 26 and ὁ γράφων § 28 also point to another person than Timocrates as the mover of the decree.

ὅπως ἂν] 'In order that the sacrifices may be offered, that the ways and means may be sufficient,' K. As R. W. has pointed out, the sense of διοίκησις passes by an easy transition from 'administration' to 'revenues.' So the Finance Minister is ὁ ἐπὶ τῇ διοίκησει, Androt. § 35 n.

ἓνα καὶ χιλίους] Benseler finds additional proof of the spuriousness of this document in the fact that the number of Nomothetae is mentioned: 1001 being the usual number, he argues, need not have been specified. It would be safer to say that the real number of the Nomothetae is unknown; and it is pretty certain that it was not uniform. The statement of Pollux, that there were 1000 of them, is untrustworthy, and in all probability based only upon the pre-

28 Ἐνθυμήθητ'<sup>h</sup> [ἀναγιγνωσκομένου] τοῦ ψηφίσματος ὡς τεχνικῶς ὁ γράφων αὐτὸ τὴν διοίκησιν καὶ τὸ 709

<sup>h</sup> ἐνθυμήθητ' Bekk. Bens. Bl. cum libris. ἐνεθυμήθητε Hier. Wolfius.

sent passage (Wolf, *Proleg. Lept.* p. 135, Schoemann, *Assemblies*, p. 257). The only other text bearing upon the question is Andoc. de Myst. § 84, whence F. A. Wolf assumes the number 500 as the normal one, and thinks it was doubled on this occasion. But instead of ἡ βουλὴ καὶ οἱ νομοθέται οἱ πεντακόσιοι Blass now reads ἡ βουλὴ οἱ πεντακόσιοι καὶ οἱ νομοθέται, the context showing that the two councils require to be distinguished, ἡ βουλὴ οἱ πεντακόσιοι and ἡ βουλὴ ἡ ἐξ Ἀρείου πάγου. Schoemann in his latest work (*Antiq.* p. 388) admits that the number of the Nomothetae varied with the importance of the laws under consideration, though he accepts the decree now before us without remark as an example. If we bear in mind that the Nomothetae were not merely chosen from among the Heliasts, but sat like a jury for the trial of the new law, which had its prosecuting and defending counsel as in a regular law-suit, it will seem probable that the numbers varied within much the same limits as those of ordinary juries, from 201 upwards (above, § 9 n.). Here, I have little doubt that the number was suggested to the compiler of the document by the passage in § 9 δικάστησιν δυοῖν εἰς ἓνα καὶ χιλίους ἐψηφίσμενον.

§§ 28—31. Comments on the decree of Epicrates. *The real object of the conspirators was*

*disguised under a pretended zeal for the due splendour of the festival. When a jury of Nomothetae had been obtained, not a word more was said about 'ways and means' and 'Panathenaea,' but Timocrates proceeded quietly to pass his illegal decree. It was too bad, that the rules against over-hasty legislation should be suspended by his unconstitutional motion. It was even worse, that was nothing less than cruel, that advantage should have been taken of a public holiday to inflict an injury, not upon a chance individual, but upon the whole state—by overthrowing its fundamental laws.*

§ 28. Ἐνθυμήθητ'] I now follow Bekker, Benseler and Blass in retaining the MS. reading instead of Jerome Wolf's conjecture ἐνεθυμήθητε. There is no doubt a difficulty about joining the imperative to the imperfect participle ἀναγιγνωσκομένου 'while the decree was being read.' K. translates 'Observe in the reading of the decree,' and justifies the imperative in a note, notwithstanding that it is disapproved by so many commentators. It is a loose way of saying, 'Observe how artfully it appears from the decree' &c. And similarly Benseler: 'Entnimmt aus dem vorgelesenen Decret.' Without ἀναγιγνωσκομένου, however, which Blass has bracketed, and which may easily have been inserted, the sense runs smoothly enough. ὁ γράφων] Clearly different

τῆς ἐορτῆς προστησάμενος κατεπεύγον, ἀνελὼν τὸν ἐκ τῶν νόμων χρόνον, αὐτὸς ἔγραψεν αὖριον νομοθετεῖν, οὐ μὰ Δί' οὐχ ἵν' ὥς κάλλιστα γένοιτό τι τῶν περὶ τὴν ἐορτὴν (οὐδὲ γὰρ ἦν ὑπόλοιπον οὐδ' ἀδιοίκητον οὐδέν), ἀλλ' ἵνα μὴ προαισθομένου μηδενὸς ἀνθρώπων μηδ' ἀντειπόντος τεθείη καὶ γένοιτο κύριος αὐτοῖς ὅδε  
 29 ὁ νῦν ἀγωνιζόμενος νόμος. τεκμήριον δέ· καθεζομένων γὰρ τῶν νομοθετῶν περὶ μὲν τούτων<sup>1</sup>, τῆς διοικήσεως καὶ τῶν Παναθηναίων, οὔτε χείρονα οὔτε βελτίω νόμον οὐδέν' εἰσήνεγκεν οὐδεὶς, περὶ δ' ὧν οὔτε τὸ ψήφισμ' ἐκέλευεν οἷ τε νόμοι κωλύουσι, Τιμοκράτης οὕτως κατὰ πολλὴν ἡσυχίαν ἐνομοθέτει, κυριώτερον

<sup>1</sup> τῶν γεγραμμένων τούτων Bekk. cum libris praeter Σ.

from Τιμοκράτης οὕτως. The reading Ἐπικράτης in the last section is thus confirmed.

τὴν διοίκησιν...κατεπεύγον] 'under pretext of financial arrangements and the urgency of the festival.' K. slightly corrected. τὸ κατεπεύγον is not merely the 'wants' of the festival as regards money (already sufficiently expressed by διοίκησιν), but the urgency in point of time, the plea of which was made an excuse for hurried legislation: cf. § 18 οὐδὲν ἔσως ὑμᾶς κατεπεύγει νῦν ἀκούσαι.

ἀνελὼν τὸν ἐκ τῶν νόμων χρόνον] 'setting aside (rather than, as K., 'without adverting to') the time prescribed by law;' i.e. the third assembly of the current prytany, §§ 21, 25, τὸν τεταγμένον χρόνον § 26. Comp. Androt. § 20 ἀνελοῦσα ἡ βουλὴ τὸν νόμον.

ἵνα μὴ προαισθομένου] Madvig *Advers. Crit.* i. p. 461 objects that μὴ thus placed would necessarily negative τεθείη, which, as he observes, is contrary to the sense. He therefore pro-

poses to strike out μὴ. Other scholars are content to take it as a repeated negative, μὴ προαισθομένου μηδενός. The case is well put by Prof. Butcher, *Class. Rev.* i. 220: 'Accumulated negatives in Greek do not cancel one another so long as the added negative adds a new idea.'

ὁ νῦν ἀγωνιζόμενος] 'which is now upon its trial:' not, of course, to be translated as a passive.

§ 29. περὶ μὲν τούτων] Another instance where MS. Σ stands alone in expunging a manifest gloss: cf. Androt. § 59 n.

κατὰ πολλὴν ἡσυχίαν] 'quite at his ease' R. W.: 'in aller Ruhe' Benseler. The expression is, I think, humorous, referring to the coolness of the man and the secrecy with which his bill was smuggled through, rather than to the orderliness of the assembly in which it passed.

κυριώτερον] 'of more authority.'—τὸν ἐκ τοῦ ψηφίσματος=

μὲν νομίσας τὸν ἐκ τοῦ ψηφίσματος ἢ τὸν ἐν τοῖς νόμοις εἰρημένον χρόνον, οὐδ' ὅτιοῦν δὲ φοβηθεὶς εἰ ἀπάντων ἡμῶν ἀγόντων ἱερομηνίαν, καὶ νόμου κειμένου μὴτ' ἰδίᾳ μήτε κοινῇ μηδὲν ἀλλήλους ἀδικεῖν ἐν τούτῳ τῷ χρόνῳ, μηδὲ χρηματίζειν ὃ τι ἂν μὴ περὶ τῆς ἑορτῆς ᾗ, αὐτὸς οὐχ ἓνα τὸν τυχόντα, ἀλλ' ὅλην  
 30 ἀδικῶν φανήσεται τὴν πόλιν. καίτοι πῶς οὐ δεινὸν εἰδότες μὲν τοὺς νόμους, ὧν ὀλίγῳ πρότερον πάντες ἠκούσατε, κυρίους ὄντας, εἰδότες δ' οὐκ ἔωνθ' ἕτερον νόμον ψηφισμ' οὐδέν, οὐδ' ἂν ἔννομον ᾗ, νόμον κυριώτερον εἶναι, γράψαι καὶ θεῖναι νόμον ὑμῖν κατὰ ψηφισμα, ὃ καὶ αὐτὸ παρὰ τοὺς νόμους εἰρημένον  
 31 ᾗδει; ἢ πῶς οὐ σχέτλιον τὴν μὲν πόλιν αὐτὴν ἐκάστω ἡμῶν δεδωκέναι ἄδειαν τοῦ μὴ<sup>k</sup> τι παθεῖν ἀηδὲς ἢ δεινὸν ἐν τούτῳ τῷ χρόνῳ ποιήσασαν ἱερομηνίαν, αὐτὴν δὲ μὴ τετυχηκέναι ταύτης τῆς ἀσφαλείας παρὰ 710  
 Τιμοκράτους, ἀλλ' ἐν αὐτῇ τῇ ἱερομηνίᾳ τὰ μέγιστ' ἠδικῆσθαι; τί γὰρ ἂν τις μείζον ἠδίκησεν ἰδιώτης ἀνὴρ ἢ καταλύων τοὺς νόμους αὐτῆς, δι' ὧν οἰκεῖται;

<sup>k</sup> μὴ om. Z Bekk. Bens.

αὔριον : τὸν ἐν τοῖς νόμοις εἰρημένον, 19 days at least, cf. § 26.

ἱερομηνίαν] ἱερομηνία is (1) the 'sacred month' of the four great games during which, as in the *tréuga Dei* of the mediæval Church, hostilities were forbidden: (2) any 'holy day' or high festival, on which all private enmities and consequent molestation were required to cease. The Roman rule was the same: 'Periis iurgia amovento,' Cic. de Legg. ii. 8 § 19.

χρηματίζειν] Here in the general sense of 'transacting business:' to be distinguished from the technical legal meaning of

§ 22, which however is the more common in the Attic writers.

§ 30. γράψαι καὶ θεῖναι] 'frame and propose a law in pursuance of a decree.' K.

§ 31. ἄδειαν τοῦ μὴ τι παθεῖν] The usual idiom. Omitting μὴ because in Σ it is only added by a later hand is a very rash proceeding. Demosth. would at least have written τοῦ παθεῖν τι: and Dindorf shows his superiority of judgment in retaining the common reading.

§§ 32—38. Timocrates has not only treated with contempt all the rules and safeguards which fence in new legislation,



- 32 "Οτι μὲν τοίνυν οὐδὲν ὦν προσήκέ τε καὶ κελεύουσιν οἱ νόμοι πεποίηκεν, εἰς τὰ προειρημένα τις σκοπῶν ἂν γνοίῃ. ὅτι δ' οὐ μόνον κατὰ τοῦτ' ἀδικεῖ, εἰ παραβὰς τὸν χρόνον τὸν ἐκ τῶν νόμων καὶ τὸ βουλεύσασθαι καὶ σκέψασθαι περὶ τούτων ὑμᾶς παντελῶς ἀνελὼν οὔσης ἱερομηνίας ἐνομοθέτει, ἀλλὰ καὶ κατ' ἐκείνο, ὅτι πᾶσιν ἐναντίον εἰσευήνοχε τοῖς οὔσι νόμοις, αὐτίκα δὴ μάλ' ἀκριβῶς μαθήσεσθε. ἀνάγνωθι δέ μοι λαβὼν τουτονὶ πρῶτον τὸν νόμον, ὃς διαρρήδην οὐκ ἔᾶ νόμον οὐδέν' ἐναντίον εἰσφέρειν,

by passing his law with only one day's notice, and on a holiday: he has also carried a law which contradicts an existing law, and has not taken the proper constitutional course of first repealing the latter (32). The established law is next reviewed (33), praised for its democratic tendency (34) and care for tender consciences (35). The legislator had provided for the utmost publicity in view of any change, thereby making the people guardians of their own laws. And it is no sufficient answer to this, to say that the bad law may be indicted; we want prevention, not cure, and the legislator provides for this by blocking up the first approaches to illegality, and making it difficult for conspirators to stir a step (36, 37). Timocrates has done his best to expunge all these safeguards from the statute-book: his law is, so to speak, contrary not to one but to all the existing laws: it strikes at the very roots of the constitution (38).

§ 32. κατὰ τοῦτ' ἀδικεῖ, εἰ] In the corresponding clause we have κατ' ἐκείνο, ὅτι with the usual love of variety (Androt.

§ 36 n.). The use of εἰ=ὅτι is almost confined to verbs which express some mental emotion (§ 197 n.: Jelf, *Synt.* § 804, 9), such as θαυμάζειν, ἀγαπᾶν, δεινὸν ποιεῖσθαι &c., and the present is probably a solitary instance with ἀδικεῖν. The most common construction of ἀδικεῖν is with a participle, as in ἀδικεῖ Σωκράτης οὓς μὲν ἡ πόλις νομίζει θεοὺς οὐ νομίζων, Xen. *Memor. init.* We should also expect ἀδικεῖ τοῦτο with the accus. cognati to express 'his offence consists in this:' the addition of κατὰ is pleonastic, and rare in prose. This 'expletive' use of κατὰ, as well as of other prepositions, is noticed as a mannerism of Sophocles by Prof. Lewis Campbell in his *Introduction* p. 27 (*Essay on Language of Soph.* § 19): his examples are Oed. Tyr. 1087 κατὰ γνώμαν ἴδρις and Trach. 102 ὦ κρατιστεύων κατ' ὄμμα.

αὐτίκα δὴ μάλᾳ] Androt. § 65 n.

ἐναντίον] 'The policy of the Athenian lawgiver was not to allow two inconsistent laws to remain together in his code; and there was no such thing

ἐὰν δέ τις εἰσφέρει, γράφεσθαι κελεύει. ἀναγί-  
γνωσκει.

## ΝΟΜΟΣ.

- 33 [Τῶν δὲ νόμων τῶν κειμένων μὴ ἐξεῖναι λύσαι  
μηδεῖνα. εἰ μὴ ἐν νομοθέταις. τότε δ' ἐξεῖναι τῷ  
βουλομένῳ Ἀθηναίων λύειν, ἕτερον τιθέντι ἀνθ' ὅτου  
ἂν λύῃ. διαχειροτονίαν δὲ ποιεῖν τοὺς προέδρους περὶ  
τούτων τῶν νόμων, πρῶτον μὲν περὶ τοῦ κειμένου, εἰ  
δοκεῖ ἐπιτήδειος εἶναι τῷ δήμῳ τῷ Ἀθηναίων ἢ οὐ,  
ἔπειτα περὶ τοῦ τιθεμένου. ὁπότερον δ' ἂν χειροτο-  
νήσωσιν οἱ νομοθέται, τοῦτον κύριον<sup>1</sup> εἶναι. ἐναντίον  
δὲ νόμον μὴ ἐξεῖναι τιθέναι τῶν νόμων τῶν κειμένων  
μηδεμί. ἐὰν δέ τις λύσας τινὰ τῶν νόμων τῶν κει-  
μένων ἕτερον ἀντιθῇ μὴ ἐπιτήδειον τῷ δήμῳ τῷ

<sup>1</sup> τὸν κύριον Z Bens. cum Σ.

among the Athenians as repeal-  
ing a statute by implication.' K. What to us seems so obvi-  
ous, the introduction into the  
new law of a clause 'So-and-so  
is hereby repealed,' must have  
been less easy for the Greeks  
in the absence of a convenient  
mode of reference such as mo-  
dern legislation, even when so  
amorphous as the English, in-  
variably supplies.

γράφεσθαι κελεύει] γράφεσθαι  
is of course the middle voice,  
'to impeach or indict.' 'Re-  
quires that it should be indict-  
ed' is K.'s translation. The  
indictment, however, lay equally  
against the law itself and the  
proposer (ἐὰν τις εἰσφέρει): cf.  
§ 10 n. γράψάμενοι τὸν νόμον.

§ 33. ΝΟΜΟΣ. There is no  
reason to think this document  
any more genuine than those

previously considered: though  
it has been held (see § 20 n.) to  
be composed out of genuine  
materials.

ἐν νομοθέταις] 'before a jury  
of Nomothetae.' We have seen  
that there might be more than  
one such jury impanelled, §§ 21  
n., 27 n. The rendering of the  
English and German transla-  
tors, 'before the Nomothetae,'  
is inexact.

διαχειροτονίαν] §§ 20 n., 25 n.  
τοὺς προέδρους] Prof. Butcher  
shows from an inscription  
(*Ἀθηναίων*, 1876, p. 179 = *C.I.A.*  
ii. 115 b) that the mention of  
the προέδροι here is not as in-  
correct as is commonly sup-  
posed: ἐν δὲ τοῖς νομοθέταις τ(οὺς  
προέ)δρους οἱ ἂν προεδρεύωσιν  
[καὶ τὸν ἐ]πιστάτην προσνομοθε-  
τεῖν. Compare *Dict. Antiq.* s.v.  
Nomothetae, ii. 242 b.

Ἀθηναίων ἢ<sup>m</sup> ἐναντίον τῶν κειμένων τῷ, τὰς γραφὰς εἶναι κατ' αὐτοῦ κατὰ τὸν νόμον ὃς κεῖται, εἰάν τις μὴ 711 ἐπιτήδειον θῇ νόμον.]

- 34 Ἡκούσατε μὲν τοῦ νόμου· πολλῶν δὲ καλῶς κειμένων νόμων τῇ πόλει οὐδενὸς ἦπτον ἡγοῦμαι καὶ τοῦτον ἀξίως ἐπαίνου γεγράφθαι. σκέψασθε γὰρ ὡς δικαίως καὶ σφόδρ' ὑπὲρ τοῦ δήμου κεῖται. οὐκ ἔᾱ τοῖς ὑπάρχουσι νόμοις ἐναντίον εἰσφέρειν, εἰάν μὴ

<sup>m</sup> ἢ om. Bens. cum prΣ.

ἐναντίον τῶν κειμένων τῷ] The case here supposed is evidently that, after the repeal of a given law on the ground of repugnancy has been carried by the proposer of the new law, other laws not contemplated by him are subsequently discovered to be inconsistent with his new legislation: a further ground for a γραφή παρανόμων. We need not be surprised that the previous sanction of the Nomothetae did not exempt the proposer from indictment: there is no reason to doubt the statement that he might be impeached on the vague charge that the law was 'contrary to public policy' (μὴ ἐπιτήδειον) as well as on more definite grounds: but after the time limit of a year (προθεσμία) the law only, and not the proposer, was liable to prosecution. The sovereign people was unwilling to recognise any limit to its power of taking all executive and legislative authority into its own hands, and suspending constitutional checks: but it was well aware of its own fallibility, and distrustful of the professional politicians whom yet it had to follow as its advisers. Hence

the large and indefinite powers with which this indictment was armed: it was a τιμητὸς ἀγών, and any punishment might be inflicted at the discretion of the Dicastery (*Dict. Antiq.* s.v. *Paranomon Graphé*).

In the present passage the two cases of (a) inexpedient and (b) contradictory laws are not distinguished as clearly as they must have been in the text of a genuine law.

ὃς κεῖται] Not = τὸν νόμον τὸν κείμενον, but the words are to be joined closely to εἰάν τις μὴ ἐπιτήδειον θῇ νόμον, like our phrase 'according to the statutes in that case made and provided.'

§ 34. ὑπὲρ τοῦ δήμου] A legal system in which difficulties of interpretation are likely to occur implies the existence of a body of skilled lawyers: the Athenian laws were intended to be administered by plain men, and their framers therefore endeavoured (without success it would seem) to avoid all ambiguities. This arrangement is praised as 'in the interest of the democracy:' for similar compliments cf. ὑμεῖς οἱ πολλοί § 37: ἐφ' ὑμῶν ἐποίησαν διαχειροτορίαν § 25.

- λύση τὸν πρότερον κείμενον. τίνος εἵνεκα; πρῶτον μὲν ἵν' ὑμῖν ἐξῇ τὰ δίκαια ψηφίζεσθαι μετ' εὐσεβείας.
- 35 εἰ γὰρ εἶησαν δύο τινὲς ἐναντίοι νόμοι, καὶ τινες ἀντιδικοὶ παρ' ὑμῖν ἀγωνίζονται ἢ περὶ δημοσίων ἢ περὶ ἰδίων πραγμάτων, ἀξιοῖ δ' ἑκάτερος νικᾶν μὴ τὸν αὐτὸν δεικνύων νόμον, οὗτ' ἀμφοτέροις ἐνὶ δήπου ψηφίσασθαι· πῶς γάρ; οὔτε θατέρῳ ψηφισομένους εὐορκεῖν· παρὰ γὰρ τὸν ἐναντίον, ὅντα δ' ὁμοίως
- 36 κύριον, ἢ γνώσις συμβαίνει. τοῦτό τ' οὖν ὑπὲρ ὑμῶν φυλαττόμενος ταῦτα προεῖπε καὶ ἔτι πρὸς τούτῳ βουλόμενος φύλακας ὑμᾶς τῶν νόμων καταστήσαι· ἥδει γὰρ ἐκείνο, ὅτι τὰς ἄλλας ἃς γέγραφεν αὐτῶν φυλακὰς ἔστι πολλαχῇ διακρούσασθαι. τοὺς συνη-

πρῶτον μὲν] 'Quod ei respondet ἔπειτα, latet in formula εἰ πρὸς τούτῳ v. 15.' G. H. Schaefer. Compare the note § 1 on the opening words of the speech, τοῦ μὲν ἀγῶνος κ.τ.λ.

μετ' εὐσεβείας] 'To give a just verdict with a safe conscience' may not seem a difficult matter. But it is casuistically argued that if laws are repugnant no possible verdict can be conscientious, for it must violate one or the other of these laws, and both are equally binding.

§ 35. εἶησαν] εἶεν is of course much more common: 'nam Attici veteres non εἶμεν εἴητε εἶησαν dixerunt, sed εἶμεν εἴτε εἶεν,' Dind. Praef. Poet. Scen. ed. 5, p. iii. We find however εἶησαν as early as Thucyd. i. 9 § 5 (passed over without remark both by Shilleto and Classen): γνοίησαν Demosth. Apatur. p. 897 § 15.—ἀξιοῖ, again, is a less Attic form: two inferior MSS.

read ἀξιοίη.

δεικνύων] Androt. § 34 n.

ἢ γνώσις συμβαίνει] 'the result of the decision is contrary to' (παρὰ)...

§ 36. τοῦτό τ' οὖν...διακρούσασθαι] 'Against such a mischief the legislator provided by this clause. But he had a further motive in it. He wished to make you guardians of the laws; for he knew that the other safeguards which he has provided for them there are various ways of eluding.' This is K.'s rendering: and it is a good example of the advantage often gained by breaking up a Greek (or Latin) period into short English sentences (§ 138 n.).

τοὺς συνηγόνους] Called τοὺς συναπολογησομένους above § 23, where see the note. The addition of the words οὗς χειροτονεῖτε helps to prove that they were (as there stated) not a permanent body, but chosen for the nonce.

γόρους, οὓς χειροτονεῖτε, δύναιτ' ἂν πείσαι τις σιωπᾶν. ἐκτιθέναι κελεύει τοῦ προειδέναι πάντας· τάχ' ἂν, εἰ τύχοι, τοὺς μὲν ἀντειπόντας ἂν, εἰ μὴ<sup>11</sup> προαίσθοντο, 37 λάθοι, οἱ δ' οὐδὲν προσέχοντες ἀγνοοῖεν<sup>12</sup> ἂν. ἀλλὰ γράψασθαι νῆ Δί' ἕκαστον ἔστιν, ὃ κἀγὼ νυνὶ πεποιήκα· κἀνταῦθ', ἂν<sup>13</sup> ἀπαλλάξῃ τις<sup>14</sup> τὸν ἐπιστάντα,

<sup>11</sup> μὴ *om.* Z Bekk. Dind. Bl.; *v. not.*

<sup>12</sup> ἀναγνοῖεν *iidem cum* FA.

<sup>13</sup> κἀν ἐνταῦθ' Bekk. Bens. *cum* ΣΦΤΩvs.

<sup>14</sup> τις *om.* Z Bekk. Bens. *cum* ΣΦ.

δύναιτ' ἂν πείσαι τις σιωπᾶν] The Greeks, and especially the Athenians, sought refuge in numbers from their habitual distrust of individuals: hence their monster juries whether of dicasts (§ 9 *n.*) or nomothetae (§ 27 *n.*). These *συνήγοροι* or *σύνδικοι*, a small body of advocates retained to defend the existing law (Lept. p. 501 § 146), are supposed to be capable of selling their cause to the innovators.—ἐκτιθέναι, § 18 *n.*

τοῦ προειδέναι πάντας] The genitive expresses the 'final cause' (to the end that, in order that): comp. Thucyd. i. 4 τοῦ τὰς προσόδους μᾶλλον ἰέναι αὐτῷ (accus. and inf.), id. viii. 14 τοῦ μὴ ἐξάγγελοι γενέσθαι (simple infin.). Other examples in Madvig, *Synt.* 170 c, Rem. Cf. below, § 133 *n.*: i. Steph. p. 1114 § 41 τοῦ βεβαίαν αὐτῷ τὴν ἀπαλλαγὴν εἶναι.

τάχ' ἂν, εἰ τύχοι] This passage is not without difficulty; but Benseler has, on the whole, successfully vindicated the readings of the MSS. against the alterations approved by Bekker and Dindorf and even by the Zurich editors and Blass. It is at first sight easier to read εἰ προαίσθοντο, omitting μὴ, and to

connect the clause εἰ προαίσθοντο with τοὺς ἀντειπόντας ἂν. But μὴ is in all the MSS.: and if we join εἰ μὴ προαίσθοντο with λάθοι, it is easy to supply εἰ προαίσθοντο with τοὺς ἀντειπόντας ἂν. The sense will then be: 'It may possibly happen that persons who, with previous notice, would have opposed the law, without such notice may fail to detect its bearing (λάθοι): while others through inattention may be ignorant of the whole matter' (reading with Σ and most MSS. ἀγνοοῖεν for the ἀναγνοῖεν of the Editors). If ἀναγνοῖεν be retained, the latter clause will mean that 'the notice will be read only by those who care nothing about it:' a good enough meaning in itself, but the authority of the MSS. is, I think, decisive in favour of ἀγνοοῖεν which, as rendered above, yields an equally good sense.

§ 37. ἀλλὰ...νῆ Δία] 'But it may be said:' of an objection introduced only to be refuted: cf. Androt. § 69.

ἂν ἀπαλλάξῃ τις] 'Yes; but if a man gets rid of the prosecutor, the state is still cheated.' K. The notion of 'ridding oneself of' a thing is more usually expressed by ἀπαλλάττεσθαι τι-



ἡ πόλις παρακέκρουσται. τίς οὖν μόνη φυλακὴ καὶ  
δικαία καὶ βέβαιος τῶν νόμων; ὑμεῖς οἱ πολλοί· οὔτε  
γὰρ τὸ γινῶναι καὶ δοκιμάσαι τὸ βέλτιστον ἐξελέσθαι  
δύναιτ' ἂν ὑμῶν οὐδὲ εἰς<sup>†</sup>, οὔτε ἀπαλλάξας καὶ δια- 712  
φθείρας πείσαι τὸν χεῖρω θέσθαι νόμον ἀντὶ τοῦ  
38 κρείττονος. διὰ ταῦτα [πάντ'] ἐφ' ἐκάστην ἀπαντᾷ  
τὴν ὁδὸν τῶν ἀδικημάτων, κωλύων καὶ οὐκ ἔων βαδί-  
ξιν τοὺς ἐπιβουλεύοντας ὑμῖν. ταῦτα πάντα Τιμο-

<sup>†</sup> οὐδεὶς Bens. cum Σ.

νός: but ἀπαλλάττειν τινὰ is found in a hardly distinguishable sense, 'get him to leave one alone,' Lat. *amovere*, as adv. Phorm. p. 914 § 22 τοὺς δανείσαντας ἀπήλλαξεν: Isae. Dicaeog. § 28 ἀπαλλάσσειν τοὺς χρήστας. Here, therefore, it is practically equivalent to πείσαι σιωπᾶν in the last section. So Harpocration s. v. ἀφείς καὶ ἀπαλλάξας: ἀπαλλάξας, ὅταν πείσῃ τὸν ἐγκαλοῦντα ἀποστῆναι καὶ μηκέτι ἐγκαλεῖν. The word is, however, more frequently used of the creditor giving a 'release and discharge' than of the debtor satisfying his claims: see Mr Paley on pro Phorm. p. 952 § 25. —The best MSS. read *kān ἐνταῦθ'* and ΣF omit *τις*: whence Dindorf conjectures ἀπαλλάξῃς, comparing 1. Phil. p. 51 § 40, where he has restored *πατάξῃς* from Σ, the other MSS. reading *πατάξῃ τις*. Benseler follows the Zurich Editors in simply omitting *τις*, but expresses it in his very idiomatic translation: 'wenn man hier den, der einem zu Leibe geht, sich vom Halse schaffen kann.' If the authority of Σ is to decide this point, the ellipse of *τις*, common enough in poetry, may be justi-

fied by several examples in Plato: comp. Jelf, *Synt.* § 373 b.—For the sense of τὸν ἐπιστάντα R. W. compares Aeschin. Ctes. § 79 Δημοσθένῃς δ' ἐπέστη τῶν ἄλλων κατήγορος.

ὑμεῖς οἱ πολλοί] The jury are identified with the Athenian people in their assembly, as in § 25.

ἀπαλλάξας καὶ διαφθείρας] As G. H. Schaefer points out in his technical language, 'corruption' particularises the general notion of 'getting out of the way.' I cannot think, with R. W., that ἀπαλλάξας conveys any notion of intimidating as distinguished from corrupting: and I own to a faint suspicion that the words καὶ διαφθείρας may be a gloss.

These last two sections are an amusing bit of clap-trap, and exhibit Demosthenes playing upon the Athenian dread of collusion and betrayal of their interests. 'Four or five *συνήγοροι* may be "got at" and induced to report in favour of a bad law; a single prosecutor may be "squared;" but no one could ever hope to "get at" or "square" you, the great heart of the nation,' &c., &c.

κράτης, οὕτω καλῶς καὶ δικαίως κείμενα, ἡφάνισεν, ἐξήλειψεν, ὅσον ἦν ἐπὶ τούτῳ, καὶ νόμον εἰσήνεγκεν ἅπασιν ἐναντίον ὡς ἔπος εἰπεῖν τοῖς οὖσιν, οὐ παραναγνούς, οὐ λύσας, οὐ δοὺς αἴρεσιν, οὐκ ἄλλο ποιήσας οὐδέν τῶν προσηκόντων.

- 39 Ὡς μὲν οὖν ἔνοχος τῇ γραφῇ καθέστηκεν, ἐναντίον εἰσενηνοχῶς τοῖς οὖσι νόμοις, οἶμαι πάντας ὑμᾶς ἡσθῆσθαι ἵνα δ' εἰδῆτε παρ' οἷους νόμους οἶον οὗτος εἰσήνεγκεν, ἀναγνώσεται πρῶτον ὑμῖν τὸν τούτου νόμον, εἶτα τοὺς ἄλλους, οἷς οὗτος ἐναντίος ἐστίν. ἀναγίγνωσκε.

### ΝΟΜΟΣ.

[Ἐπὶ τῆς Πανδιονίδος πρώτης<sup>s</sup>, δωδεκάτῃ τῆς πρυτανείας, Τιμοκράτης εἶπε, καὶ εἴ τιτι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῇ, εἶναι

<sup>s</sup> πρώτης om. Bens. cum ΣF.

§ 38. εἰσήνεγκεν ἅπασιν] The word ἀπαίσιον, found only in inferior MSS. and old editions, but retained by Bekker within brackets, is clearly an accidental repetition of ἅπασιν, as G. H. Schaefer was the first to observe.

παραναγνούς] Correlative to the use of παραγράφειν Androt. § 34, where see note.

§§ 39—41. *Proof that the law of Timocrates is contrary to existing laws.* This proof is worked out in detail in many succeeding sections, down to § 67.

§ 39. παρ' οἷους νόμους] παρὰ is 'contrary to,' as in § 35: not 'in comparison with,' as in παραναγνούς just before. K. neatly renders 'what sort of a law he has introduced, and

what sort of laws he has violated:' and so Benseler, 'was für ein Gesetz und in Widerspruch mit welchen Gesetzen.'

Ἐπὶ τῆς Πανδιονίδος πρώτης] The incorrectness of this phrase was pointed out on § 27. The document is admitted on all hands to be spurious, altogether composed, according to Westermann and Dindorf, from the speech itself; and it seems hardly worth while to improve its Greek by omitting πρώτης, as Benseler does after Σ and one or two other MSS.

δωδεκάτῃ τῆς πρυτανείας] The compiler found this date in the genuine words of Demosth. himself, § 26.

εἰ... προστετίμηται... ἢ... προστιμηθῇ] A correction in one

αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι τοῦ  
 ὀφλήματος<sup>1</sup>, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐκτεί-  
 σειν τὸ ἀργύριον ὃ ὤφλε. τοὺς δὲ προέδρους ἐπιχει-  
 ροτονεῖν ἐπάναγκες, ὅταν τις καθιστάναι βούληται.  
 40 τῷ δὲ καταστήσαντι τοὺς ἐγγυητάς, εἰς ἀποδιδῶν τῇ

<sup>1</sup> ὀφειλήματος Z cum Σr.

MS. προστιμηθείη indicates a consciousness on the part of the transcriber that the subjunctive after εἰ was unusual. But G. H. Schaefer, while noticing this construction as σολοκοφανής, points out that the indicative and subjunctive are often thus joined in legal formulas: and the subjunctive is clearly right as a note of future time. The phrase recurs §§ 72, 79, 93, cf. § 207 n. To express 'if any person has been or shall hereafter be condemned,' Attic law did not think it necessary to repeat εἰ after εἰ: and there are well-known instances in the older writers, such as Thucydides and Sophocles, of εἰ with the subjunctive. See Jelf, *Synt.* § 854. 1, Obs. 1, Madv. *Synt.* § 125, Rem. 2, Campbell's Sophocles, *Essay* § 27 p. 42. Madvig says 'in the Attic poets (except in the choral odes) or in prose (except in the archaic phraseology of law) there are no examples of this.' That legal language tolerated archaisms appears from the present passage and below § 42 (ἄρχειν for ἄρχεσθαι): but in his other assertions Madvig seems to overlook Soph. Oed. Col. 1413 εἰ σου στερηθῶ, where no one proposes to read ἦν, and Thucyd. vi. 21 § 1 εἰ ξυστώσιν ('the only, but not doubtful instance in Thucyd.' Classen). — For προσ-

τιμῶν as always implying an 'additional' penalty, above § 2 n.

ἐγγυητὰς καταστήσαι] The usual phrase for 'to put in bail' from Herodotus (i. 196) downward. See below § 55.

ὀφλήματος] None but the Zurich Editors have followed Σ in reading ὀφειλήματος: the technical term ὀφλημα, 'judgment debt,' τὸ ἐκ καταδίκης, is much more suited to a legal document, and so ὤφλε following. See on Androt. § 34, below § 50.

οὓς ἂν ὁ δῆμος χειροτονήσῃ] The sureties were of course not to be 'elected' but to be 'approved' by the people. Their names would be submitted (doubtless one by one) to a χειροτονία for approval.

ἐπιχειροτονεῖν ἐπάναγκες] 'the Proedri shall be bound to put the question to the vote.' In the use of ἐπιχ. for the regular term ἐπιψηφίζειν Benseler finds a note of spuriousness. The same suspicion attaches to ἐπιχειροτονίαν διδόναι § 50: but in § 84 ἐπιχειροτονεῖν occurs in the genuine words of Demosth.

§ 40. τῷ δὲ καταστήσαντι] The construction of this dative is the same as that of αὐτῷ ἢ ἄλλῳ above: i.e. we must supply not merely εἴπερ from the opening words of the decree, but εἶναι (in the sense of ἐξεῖναι). G. H. Schaefer, who thought this too harsh, approves either

πόλει τὸ ἀργύριον ἐφ' ᾧ<sup>ν</sup> κατέστησε τοὺς ἐγγυητάς, ἀφείσθαι τῶν δεσμῶν<sup>κ</sup>. εἰν δὲ μὴ καταβάλῃ τὸ ἀργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηταὶ ἐπὶ τῆς ἐνάτης πρυ- 713  
τανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυη-  
τῶν δημοσίαν εἶναι τὴν οὐσίαν. περὶ δὲ τῶν ὠνου-  
μένων τὰ τέλη καὶ τῶν ἐγγυωμένων καὶ ἐκλεγόντων,  
καὶ τῶν τὰ μισθώσιμα μισθουμένων καὶ τῶν ἐγγυω-  
μένων<sup>ν</sup>, τὰς πράξεις εἶναι τῇ πόλει κατὰ τοὺς νόμους  
τοὺς κειμένους. εἰν δ' ἐπὶ τῆς ἐνάτης πρυτανείας

<sup>ν</sup> οἷς Bens. cum ΣFv.

<sup>κ</sup> τὸν δεσμὸν Bens. cum TΩr et pr. Σ.

<sup>ν</sup> τῶν ἐγγυωμένων om. Bens. cum ΣTΩkrs. τῶν om. Bl.

of Lambinus' conjecture τὸν δὲ καταστήσαντα, or of the reading of some MSS. τὸν δεσμὸν. If the words occurred in the 'law' only, we might suspect their genuineness: but they recur without alteration in the text of Demosthenes, below § 86.

ἐπὶ τῆς ἐνάτης πρυτανείας] The explanation of this phrase already given (§ 15 n.) is confirmed by the present passage. In the last or tenth prytany of the year all grace was at an end, and the State proceeded to levy execution.

περὶ δὲ τῶν ὠνουμένων] The statement here is in accordance with the words of Demosth. himself in the next section. To have touched the stringent enactments whereby punctual payment of the ordinary revenues was secured, would have alarmed the people: and so the law of Timocrates, which was virtually (though not avowedly) a *privilegium* for the benefit of Androtion and his friends, takes care specially to except those revenues from its operation. Three classes of persons are

here mentioned in connexion with the regular taxes: the τε-  
λῶναι; the ἐκλογεῖς, collectors not merely of unfarmed revenues such as the tribute (φόρος) of the allies, but of the farmed taxes under the τελῶ-  
ναι; and the lessees of the lease-  
able revenues, i.e. public lands and especially mines. Each of these classes of persons was required to find sureties: and Dobree certainly improves the passage by striking out ἐγγυω-  
μένων καὶ before ἐκλεγόντων, and referring καὶ τῶν ἐγγυωμένων once for all to the three classes: comp. below § 59. On the Athenian system of raising taxes in general, see Boeckh, *P. E.* book iii. ch. 8: on the ἐκλογεῖς, note on Androt. § 48.

τὰς πράξεις εἶναι] For πράξεις = εἵσπραξις, Androt. § 46 n. The plural occurs only here: it is natural enough in an enumeration of different branches of revenue and the processes by which they were to be recovered.

εἰν δ' ἐπὶ τῆς ἐνάτης] This is altogether incredible, as was seen by Dobree who accepted

ὁφλῃ. τοῦ ὑστέρου ἐνιαυτοῦ ἐπὶ τῆς ἐνάτης ἢ δεκάτης πρυτανείας ἐκτίνειν.]

- 41 Ἀκηκόατε<sup>2</sup> μὲν τοῦ νόμου, μνημονεύετε δ' ἐξ αὐτοῦ μοι πρῶτον μὲν τὸ καὶ εἴ τιτι τῶν ὀφειλόντων δεσμοῦ προστετίμηται ἢ τὸ λοιπὸν προστιμηθῇ, ἔπειθ' ὅτι πλὴν περὶ τῶν τελωνῶν καὶ τῶν μισθουμένων, καὶ ὅσοι ταῦτα ἐγγυῶνται, χρῆσθαι κελεύει τῷ νόμῳ. ὅλος μὲν γάρ<sup>3</sup> ἐστὶν ἅπασιν ἐναντίος τοῖς οὖσι, μάλιστα δὲ ταῦτα<sup>4</sup>· γνῶσεσθε δὲ [τοὺς νόμους] ἀκούοντες αὐτούς. λέγε<sup>5</sup>.

### ΝΟΜΟΣ.

- 42 [Διοκλῆς εἶπε τοὺς νόμους τοὺς πρὸ Εὐκλείδου

<sup>2</sup> ἡκούσατε Bl.

<sup>3</sup> μὲν γάρ om. Z Bens. cum pr. Σ.

<sup>4</sup> τοῦτω cum Z Bens. Dind. Σ.

<sup>5</sup> γνῶσεσθε δ' ἀκούοντες. Λέγε τοὺς νόμους αὐτοῖς, λέγε Bekk.

the rest of the law as genuine. The compiler seems to have thought it hard that those against whom judgment was given at the end of the financial year should not have the same grace as other people. But so long a delay is 'not to be thought of' (Benseler): and the expression ἐνάτης ἢ δεκάτης is too vague for the language of a law. See also below § 93 n. [Blass transposes ἢ δεκάτης after the first ἐνάτης: this does not solve the difficulty.]

§ 41. μνημονεύετε δ' ἐξ αὐτοῦ μοι] 'Pray remark these parts of it—first, the words "if any" &c.' K. Two objections to the law of Timocrates are here singled out to be enlarged upon in succeeding sections; (1) its retrospective action; (2) its partiality towards particular classes of state debtors.

προστιμηθῇ] § 39 n. The sub-

junctive is here without variation in the MSS.

§§ 42—44. First objection. The existing law is recited, which provides that *new laws shall come into force from the day on which they are passed, unless a date is expressly mentioned for their operation to commence. In the latter case, the beginning of the next year is commonly prescribed. Retrospective action is unheard of. Timocrates should have repealed this law before proposing his own; as it is, he has thrown everything into confusion.*

§ 42. πρὸ Εὐκλείδου] In the archonship of Eucleides, B.C. 403, the first year of the restored democracy, a revision of the laws was decreed on the motion of Tisamenus, whose psephisma is quoted at length in Andoc. de Myst. §§ 83, 84. A small body of special Nomo-



τεθέντας ἐν δημοκρατία, καὶ ὅσοι ἐπ' Εὐκλείδου ἐτέθησαν καὶ εἰσὶν ἀναγεγραμμένοι, κυρίους εἶναι. τοὺς δὲ μετ' Εὐκλείδην τεθέντας καὶ τὸ λοιπὸν τιθεμένους κυρίους εἶναι ἀπὸ τῆς ἡμέρας ἧς ἕκαστος ἐτέθη, πλὴν εἴ τῳ προσγέγραπται χρόνος ὅντινα δεῖ

thetae appointed by the Senate and called also ἀναγραφεῖς (perhaps to distinguish them from the ordinary Nomothetae, Jebb, *Att. Or.* i. 224 n.) were directed to report within one month to the Senate and the larger body of the Nomothetae. (The reading of this passage of Andocides, bearing upon the number of the Nomothetae, has already been discussed § 27 n.) The work of the revising commission included the restoration of the old laws, among which those of Draco (θεσμοὶ) and Solon (νόμοι) are specially mentioned, as well as the new legislation of the year (here called (ἐπ' Εὐκλείδου). It has also been suggested that they had to rewrite (ἀναγράφειν) the laws in the new alphabet, which dates from this year. The delays of some of these ἀναγραφεῖς in failing to report form the subject of the curious speech of Lysias against Nicomachus, who was the principal delinquent. We need not be surprised at any inconsistencies between the real decree of Tisamenus and the pretended law of Diocles, nor attempt to reconcile them.

ἐν δημοκρατία] Because the acts of the Thirty, as well as those of the Four Hundred in 411, were expressly excluded: cf. below § 56. There had been a similar commission in 410, of which Nicomachus had also been a member, in order to

purify the laws from the oligarchic taint.

ἀναγεγραμμένοι] Andoc. *l. c.* mentions two such processes: the temporary, ἀναγράφοντες ἐν συνίσις ἐκτιθέντων πρὸς τοὺς ἐπώνυμους σκοπεῖν τῷ βουλομένῳ: the permanent, εἰτ' ἀναγράψαι ἐν τῇ στοᾷ τούτους τῶν νόμων οἱ ἂν δοκιμασθῶσιν (§ 82). The latter is of course here intended.

πλὴν εἴ τῳ προσγέγραπται] 'except when a law has a clause added.' Cf. Androt. § 71.

ὅντινα δεῖ ἄρχειν] The meaning of this is undoubted, 'to fix the period from which it is to come into operation;' but the construction is explained in two very different ways. (1) Taylor, G. H. Schaefer, Kennedy and Whiston supply ἄρχοντα with ὅντινα, 'who is to be the archon,' ἄρχειν = ἄρχοντα εἶναι. But the phrase 'in whose archonship' would only be natural if there were a possibility of two or more years intervening between the passing of the law and its taking effect; and this of course is not to be thought of. And, though *past* time was naturally dated by archonships, it would be absurd to say 'in whose archonship' if 'next year' were meant: the election of an archon might still be unsettled only two days before his year of office began, as we see in the case of Evandros (cf. Jebb *Att. Or.* i. 242, below § 138 n.). (2) Jurinus, Dobree, Dindorf and Benseler

ἄρχειν. ἐπιγράψαι δὲ τοῖς μὲν νῦν κειμένοις τὸν γραμματέα τῆς βουλῆς τριάκοντα ἡμερῶν· τὸ δὲ λοιπὸν, ὅς ἂν τυγχάνῃ γραμματεύων, προσγραφέτω παραχρῆμα τὸν νόμον κύριον εἶναι ἀπὸ τῆς ἡμέρας ἧς ἐτέθη.]

- 43 Καλῶς ἐχόντων τῶν νόμων, ὧ ἄνδρες δικασταί, 714 τῶν ὑπαρχόντων, ὅδε ὁ νῦν ἀναγνωσθεὶς νόμος ὥσπερ εἰ διώρισε καὶ βεβαιότερους ἐποίησεν αὐτούς. κελεύει γὰρ ἕκαστον ἀφ' ἧς ἡμέρας ἐτέθη κύριον εἶναι, πλὴν εἴ τῳ χρόνος προσγέγραπται, τούτῳ δὲ τὸν γεγραμμένον ἄρχειν. διὰ τί; ὅτι πολλοῖς τῶν νόμων προσεγέγραπτο “τὸν δὲ νόμον εἶναι κύριον τόνδ' ἀπὸ τοῦ μετὰ τὸν νῦν ἄρχοντα.” ὕστερον δὲ γράφων ὁ τιθεὶς ἐπὶ τούτοις τόνδε τὸν νόμον, τὸν ἀνεγνωσμένον, οὐκ ἐνόμιζε δίκαιον εἶναι τοὺς αὐτοὺς τῶν νόμων

supply χρόνον: to be explained as by Prof. Butcher (*Class. Rev.* i. 219) as ὄντινα χρόνον δεῖ ἄρχειν (τοῦ κύριον εἶναι τὸν νόμον), lit. ‘what time is to mark the beginning (of the law coming into force),’ i.e. from what time the operation of the law is to date. So in the next §, τούτῳ δὲ τὸν γεγραμμένον ἄρχειν. For this sense of ἄρχειν, to ‘mark a beginning,’ not to ‘begin,’ compare Thucyd. iv. 118 § 12 τὴν ἐκεχειρίαν εἶναι ἐνιαυτόν, ἄρχειν δὲ τὴνδε τὴν ἡμέραν, i.e. ‘this day marks the beginning of the armistice’: ib. v. 19 init. Ἀρχει δὲ τῶν σπονδῶν ἔφορος Πλειστόλας, i.e. ‘his ephoralty marks the beginning of the truce,’ the day being added.

ἐπιγράψαι δὲ] ‘and the secretary of the senate shall affix his mark to the laws which are now established within thirty days,’ ἐπιγράψαι is thus distinguished from ἀνα- and προς-.

τὸν γραμματέα τῆς βουλῆς] Lex ap. de Cor. p. 238 § 38, *Dict. Antiq.* s. v. Grammateus.—τριάκοντα ἡμερῶν, Androt. § 14 n.

§ 43. ὕστερον δὲ γράφων] Diocles, who framed after these laws (ἐπὶ τούτοις referring to the laws just described as post-dated to the next year, πολλοῖς...προσεγέγραπτο) that which has just been read, in this his later enactment (ὕστερον γράφων) did not think it right that any subsequent legislation of a retroactive character should be introduced (i.e. inserted a clause prohibiting it). ὕστερον need not imply (as I formerly thought) that Diocles was the author of more than one law.

τοὺς αὐτοὺς τῶν νόμων] ‘that statutes which themselves contained a postponing clause (ἀναγεγραμμένους ὕστερον ἢ ἐτέθησαν κυρίους εἶναι) should be carried back to the day of their enactment, and made to come into

ἀναγεγραμμένους ὕστερον ἢ ἐτέθησαν κυρίους εἶναι  
 ἀνενεγκεῖν ἐπὶ τὴν ἡμέραν, ἀφ' ἧς ἐτέθησαν, καὶ  
 πρότερον ποιῆσαι κυρίους ἢ ὁ θεὸς ἕκαστον ἡξίωσεν.  
 44 τούτῳ μέντοι τῷ νόμῳ σκέψασθ' ὥς ἐναντίος ἐστὶν  
 ὃν οὗτος τέθεικεν. ὁ μὲν γε κελεύει τὸν γεγραμμένον  
 χρόνον ἢ τὴν ἡμέραν ἀφ' ἧς ἂν τεθῇ κυρίαν εἶναι· ὁ  
 δ' ἔγραψεν “καὶ<sup>d</sup> εἴ τιμι προστετίμηται” περὶ τῶν  
 παρεληλυθότων λέγων. καὶ οὐδὲ τοῦθ' ὥρισεν,  
 ἄρχοντα προσγράψας ἀφ' οὗ, ἀλλὰ πεποίηκεν οὐ  
 μόνον πρὸ τῆς ἡμέρας ἐν ᾗ τέθεικε κύριον τὸν νόμον,  
 ἀλλὰ καὶ πρὸ τοῦ γενέσθαι τινὰ ἡμῶν· ἀόριστον γὰρ  
 ἔπαντα τὸν παρεληλυθότα προσπεριεῖληφε χρόνον.  
 καίτοι χρῆν σε, ὦ Τιμόκρατες, ἢ τοῦτον μὴ γράφειν ἢ  
 ἐκείνον λύειν, οὐχ, ἵν' ὁ βούλει σὺ γένηται, πάντα τὰ  
 πράγματα συνταράξαι. λέγ' ἄλλον νόμον.

<sup>d</sup> καὶ om. Z cum Σ.

force before their respective authors desired.' K. ἀναγεγραμμένοι is not here, as in the last section, 'inscribed' on boards or columns, but 'bearing an inscription.' There is slight MS. authority for γεγραμμένους, which Dobree and Schaefer preferred.

§ 44. The law expressly forbade the date, at which any enactment came into force, to be moved back even for a definite period; much more for an indefinite one; as it is by the words 'if any person has been condemned.' The reasoning here is rather absurdly sophistical: the notions of an amnesty, or of a mitigation of statutory penalties, were sufficiently familiar to the Athenians. Yet it is repeated § 74, where see note.

κυρίαν] Referring to ἡμέραν. As the laws are κύριοι, in force,

so the date of their coming into force is κυρία, fixed by lawful authority. The phrase κυρίῃ ἡμέρῃ for 'an appointed day' is common in Herodotus: so κυρία ἐκκλησία, the regular or fixed assembly, opp. σύγκλητος.

ἐν ᾗ τέθεικε] The Greek has here a distinction which is missed in English. In the phrases ἀφ' ἧς ἐτέθησαν, ἀφ' ἧς ἂν τεθῇ above, the law itself was said to take effect 'on and after' (ἀπὸ) a given day. Here the legislator is the subject of the verb, who can only be said to carry the law 'on' (ἐν) such a day.

προσπεριεῖληφε] 'has further included.' Below, §§ 83, 209. Among classical authors it would seem that the word occurs only in this speech.

§§ 45—55. Second objection (see § 41) to the law of Timo-

## ΝΟΜΟΣ.

45 [Μηδὲ περὶ τῶν ἀτίμων, ὅπως χρὴ ἐπιτίμους αὐ-  
τοὺς εἶναι, μηδὲ περὶ τῶν ὀφειλόντων τοῖς θεοῖς ἢ τῷ 715  
δημοσίῳ τῷ ᾧ Ἀθηναίων περὶ ἀφέσεως τοῦ ὀφλήματος  
ἢ ταίξεως, εἰ μὴ ψηφισαμένων Ἀθηναίων τὴν ἄδειαν

° τῶν Z Bens. cum ΣΤrsv.

crates: its partiality towards particular classes of state debtors. By Athenian law, no remission or extension of time can be granted to such persons, except under the most stringent conditions: and these Timocrates has systematically violated. Three distinct laws (or perhaps consecutive portions of the same law, see §§ 49 extr. 53 extr.) are recited and commented on. The first (§ 45) provides that no proposal to restore an *atimos*, or release a public debtor or admit him to composition with the state, shall be brought in at all unless permission has first been granted by not less than 6000 Athenians, voting by ballot. Not only was this decree of Timocrates introduced without leave, but it was 'rushed through' in indecent and illegal haste, at a time and in a place most favourable to clandestine legislation. By the second recited enactment (§ 50) even the right of petition is denied to state debtors or their friends on their behalf. This regulation (the orator explains) is rendered necessary by the too indulgent temper of the Athenian people: they are obliged, as a matter of principle, to deny themselves the luxury of listening to appeals to their feelings. But these men, driven to insolence by their fears, and at their wits' end, have not

even the grace to petition: they presume to dictate: they take away from the State all the discretionary power which it now possesses of enforcing its claims. Lastly (§ 54) the existing law forbids appeals or new trials, in all cases where there has been a judgment in a suit, an account once audited, or a question of ownership decided, and that either by the verdict of a jury or privately by arbitration. Timocrates is so elaborately and amusingly illegal all round that his law reads like a deposition drawn by himself to prove his own guilt.

§ 45. ΝΟΜΟΣ. This 'law' is entirely compiled from the next section, with a few explanatory additions. The latter will here be chiefly noticed: the expressions which come from Demosth. himself will be discussed in their proper place.

Μηδὲ περὶ τῶν ἀτίμων] 'Nor concerning the disfranchised shall it be lawful to put the question for restoration of their franchise.' The words ὅπως χρὴ ἐπιτίμους αὐτοὺς εἶναι are added, correctly as regards the sense, by the compiler. For the legislative infinitive comp. § 20 n.: for χρηματίζειν § 21 n.

τοῖς θεοῖς ἢ τῷ δημοσίῳ] Demosth. says simply τῶν ὀφειλόντων. The distinction is an important one, as we learn from

πρῶτον μὴ ἔλαττον ἑξακισχιλίων, οἷς ἂν δόξη κρύβδην ψηφιζομένοις. τότε δ' ἐξεῖναι χρηματίζειν καθ' ὅ τι ἂν τῇ βουλῇ καὶ τῷ δήμῳ δοκῇ.]

- 46 Ἄλλος οὗτος νόμος, οὐκ ἐὼν περὶ τῶν ἀτίμων οὐδὲ τῶν ὀφειλόντων λέγειν οὐδὲ χρηματίζειν περὶ ἀφέσεως τῶν ὀφλημάτων οὐδὲ τάξεως, ἂν μὴ τῆς ἀδείας δοθείσης, καὶ ταύτης μὴ ἔλαττον ἢ ἑξακισχιλίων ψηφισαμένων. οὗτος δ' ἔγραψεν ἄντικρυς, καὶ εἴ τιτι τῶν ὀφειλόντων δεσμοῦ προστετίμηται, εἶναι τὴν ἄφεσιν πορισαμένῳ τοὺς ἐγγυησομένους, οὐ προτεθέντος οὐδενὸς περὶ τούτων, οὐδὲ δοθείσης
- 47 ἀδείας λέγειν. καὶ ὁ μὲν νόμος, οὐδ' ἐπειδὰν τὴν ἀδειαν εὔρηται τις, ἔδωκεν ὡς ἂν βούληται πράττειν, ἀλλ' ὡς ἂν τῇ βουλῇ καὶ τῷ δήμῳ δοκῇ· τῷ δ' οὐκ ἀπέχρησε τοῦτ' ἀδικεῖν μόνον, εἰ μὴ δοθείσης τῆς

§ 111: the forfeiture being two-fold for debts due to the treasury, tenfold to the gods.

οἷς ἂν δόξη κρύβδην ψηφιζομένοις] A genuine legal formula is here added: the phrase occurs in the speech against Neaera p. 1375 § 89; cf. Andoc. de Myst. § 37. On the ballot as essential to *privilegia*, or laws affecting individuals, §§ 18 n., 59 n.

καθ' ὅ τι ἂν...δοκῇ] Equivalent to ὡς ἂν in § 47: for a similar use of καθ' ὅ τι see §§ 21, 25.

§ 46. τάξεως] 'composition' K., 'part payment' of the debt: ἵνα μέρος μὲν καταβᾶλη, τὸ δὲ ἄλλο συγχωρηθῇ (*be excused*), Schol. This sense of τάξις does not seem to occur elsewhere: in Plato, Laws 844 b, which has been quoted as parallel, the meaning is rather 'a fixed quantity' of water where the supply is limited.

τῆς ἀδείας δοθείσης] From the

sense of fearlessness or impunity comes that of permission, especially in the form of a bill of indemnity granted beforehand to enable a person to exercise a privilege not belonging to his *status*. Atimoi, resident aliens, and slaves, all in short who did not enjoy full citizenship, were the classes of persons for whom this preliminary vote was required. See *Dict. Antiq.* s.v. Adeia. In Androt. § 25 and above § 31 ἀδεῖα is used in an ordinary, not a legal sense.

οὐ προτεθέντος οὐδενὸς] 'Without having made any previous proposal;' not simply 'any proposal.' The double process, first obtaining permission and then making the substantive motion, was of the essence of Athenian procedure in these cases, i.e. whenever the State was asked to forego any of its rights against individuals.

§ 47. εἰ μὴ...λέγει] μὴ ὁ



ἀδείας λέγει καὶ νόμον εἰσφέρει περὶ τούτων, ἀλλὰ καὶ προσέτ' οὐκ εἰς τὴν βουλήν, οὐκ εἰς τὸν δῆμον εἰπὼν περὶ τούτων οὐδέν, ἐν παραβύστῳ, τῆς βουλῆς μὲν ἀφειμένης, τῶν δ' ἄλλων διὰ τὴν ἑορτὴν ἱερομη-  
 48 νίαν ἀγόντων, λάθρα νόμον εἰσήνεγκεν. καίτοι χρῆν  
 σ', ὃ Τιμόκρατες, εἰδότα τὸν νόμον τόνδε δν ἀνέγων,  
 εἴ τι δίκαιον ἡβούλου πράττειν, πρῶτον μὲν πρόσ-  
 οδον γραφασθαι πρὸς τὴν βουλήν, εἶτα τῷ δήμῳ  
 διαλεχθῆναι, κἄθ' ὅπως, εἰ πᾶσιν Ἀθηναίοις ἐδόκει,

ἢ κἄθ' Z Bekk. Bens. Bl. cum Σ. Vulgo καὶ τόθ'.

course goes with *δοθείσης*, not with *εἰ*: 'that he makes a motion without leave.' On *εἰ=ἔτι*, § 32 n.

*εἰς τὴν βουλήν...εἰς τὸν δῆμον*] Not a mere substitute for *ἐν τῇ βουλῇ*, &c. but as Jelf, *Synt.* § 625, 'in the sense of *coram*, but with the notion of direction towards the object, as if it were reached or arrived at.' His examples are the present passage and Plat. Menex. 239 A, οἱ πατέρες...πολλὰ καὶ καλὰ ἀπεφάναντο εἰς πάντας ἀνθρώπους.

*ἐν παραβύστῳ*] The *Παράβυστον* is known as one of the obscurer law-courts, so named as being 'stuffed away' in a remote part of the city (*ἐν ἀφανεῖ τῆς πόλεως*, Pausan. i. 28. 8). According to Pollux (viii. 8. 121) the Eleven presided in it, and there was one court called the *μέσον Παράβυστον* and another the *μεῖζον Παράβυστον*; but Schoemann in his latest work (*Antiq.* p. 476) reckons the *Μεῖζον* and the *Μέσον* as proper names of courts distinct from the *Παράβυστον*. Here the phrase is usually explained, after the Scholiast, as=*λάθρα*, 'in a hole and corner' as we

say. Benseler, however, thinks it not improbable that, as it was a holiday and secrecy was desired, the *Nomothetae* may really have met on this occasion in the *Παράβυστον*. And *λάθρα* is expressed below: which, though Dobree wanted to cut it out as a gloss on *ἐν παραβύστῳ*, is in all the MSS. and seems necessary for the rounding off of the sentence.

*ἀφειμένης*] § 26 n.—*ἱερομηνίαν*] § 29 n.

§ 48. *ἀνέγων*] Of course through the *γραμματεὺς* or clerk: cf. § 12 n.

*πρόσδοον γραφασθαι*] 'to petition the council for an audience' K., or better 'to have obtained a written permission to appear' R. W. A rare sense of both words, at least in the Orators. The illustrations quoted are Isocr. Arcop. § 16 *τὴν πρόσδοον ἀπεγραψάμην* and the last section of the same speech *τὴν τε πρόσδοον ἐποίησάμην καὶ τοὺς λόγους εἶρηκα τούτους*. In these instances the middle is causal and means 'to procure a written answer' (of course in reply to a written application, but that is not expressed).

γράφειν καὶ νομοθετεῖν περὶ τούτων, καὶ τότε τοὺς  
 χρόνους ἀναμείναντα τοὺς ἐκ τῶν νόμων, ἵνα τοῦτον 716  
 τὸν τρόπον πράττων, εἰ καὶ τις ἐπεχείρει δεικνύειν  
 οὐκ ἐπιτῆδειον ὄντα τῇ πόλει τὸν νόμον, μὴ οὖν ἐπι-  
 βουλεύειν γ' ἐδόκεις, ἀλλὰ γνώμη διαμαρτῶν ἀπο-  
 49 τυχεῖν. νῦν δὲ τῷ λάθρα καὶ ταχὺ καὶ παρὰ τοὺς  
 νόμους ἐμβαλεῖν τὸν νόμον εἰς τοὺς νόμους καὶ μὴ  
 θεῖναι πᾶσαν ἀφήρησαι σαυτοῦ τὴν συγγνώμην· τοῖς  
 γὰρ ἄκουσιν ἁμαρτοῦσι μέτεστι συγγνώμης, οὐ τοῖς  
 ἐπιβουλεύσασιν, ὃ σὺ νῦν εἵληψαι ποιῶν. ἀλλὰ γὰρ  
 αὐτίκ' ἐρῶ περὶ τούτων. νῦν δ' ἀναγίγνωσκε τὸν  
 ἐξῆς νόμον.

### NOMOS.

50 [Ἐὰν δέ τις ἱκετεύῃ ἐν τῇ βουλῇ ἢ ἐν τῷ δήμῳ  
 περὶ ὧν δικαστήριον ἢ ἡ βουλὴ ἢ ὁ δῆμος κατέγνω,

τοὺς χρόνους ἀναμείναντα] At least 19 days, from the first assembly of the month till the third: §§ 21 n., 26 n.

ἵνα...ἐδόκεις] Androt. §§ 21 n., 28.

δεικνύειν] Androt. § 34 n. Above, § 35.

μὴ οὖν...γε] οὖν followed by γε is nearly=the compound γοῦν. The same may be said of the combination ἀλλ' οὖν in certain cases where ἀλλὰ appears to be redundant, as in Aeschin. Ctes. § 86 τοὺς μὲν πρώτους χρόνους ἀλλ' οὖν προσεποι-οῦνθ' ὑμῖν εἶναι φίλοι; 'during the first period, at any rate, they pretended to be your friends.'

§ 49. τῷ...ἐμβαλεῖν...καὶ μὴ θεῖναι] 'by foisting your law into the statute-book, instead of passing it' in the regular way. Or, as K.: 'I will not say passing, but foisting &c.'

εἵληψαι] This unusual word occurs also in Deinarch. c. Demosth. § 103.

τὸν ἐξῆς νόμον] The Scholiast remarks, rightly it would seem, that the law in the next section is (he should have said, purports to be) a continuation of that in § 45. Cf. § 53 τὸν μετὰ τοῦτον ἐφεξῆς.

§ 50. ΝΟΜΟΣ. So far as it is compiled from genuine materials, this 'law' is an important authority for our knowledge of the process called Endeixis. So jealous was the Athenian people of any 'contempt' (in the legal sense) of its sovereign decrees, that it was made an offence even to petition for relief from a fine or a judgment-debt. Till it was discharged the debtor laboured under an at least partial disqualification: and any attempt to exercise political rights or hold office

ἐὰν μὲν αὐτὸς ὁ ὀφλὼν ἰκετεύῃ πρὶν ἐκτεῖσαι, ἔνδειξιν εἶναι αὐτοῦ, καθάπερ ἐάν τις ὀφείλων τῷ δημοσίῳ ἡλιάξῃται· ἐὰν δ' ἄλλος ὑπὲρ τοῦ ὀφληκότος ἰκετεύῃ πρὶν ἐκτεῖσαι, δημοσία ἔστω αὐτοῦ ἡ οὐσία ἅπασα. ἐὰν δέ τις τῶν προέδρων δῶ τινὶ τὴν ἐπιχειροτονίαν, ἢ αὐτῷ τῷ ὀφληκότῃ ἢ ἄλλῳ ὑπὲρ ἐκείνου, πρὶν ἐκτεῖσαι, ἄτιμος ἔστω.]

51 "Ἔστι μὲν ἔργον, ὃ ἄνδρες δικασταί, εἰ περὶ πάντων τῶν νόμων, οἷς οὗτος ἐναντίον εἰσενήνοχεν, ἐροῦ-

εἴπερ περὶ Bekk. *Illud* ΣΥΝ.

laid him open to this prosecution. If he wished to prove that the sentence ought to be reversed, or that money was due to him from the state, he had first to gain a *locus standi* for his petition by a literal compliance with the decree of the dicastery, senate, or assembly as the case might be (ποιεῖν τὰ δίκαια σιγῇ, below § 52).

ὁ ὀφλὼν] For the distinction between ὀφλὼν and ὀφείλων comp. Androt. § 34 n., above § 39 n. Reiske not knowing this wished here to read ὀφείλων against all MSS.: for which he is corrected by G. H. Schaefer. The latter refers to two passages in the speech against Theocritus: p. 1328 § 21 τὸν νόμον τὸν ἀπ' ἐκείνης κελεύοντα τῆς ἡμέρας ὀφείλειν, ἀφ' ἧς ἂν ὀφλῇ, and nearly the same words p. 1337 § 49. We see from these the summary character of Athenian legislation: no period of grace in which to find the money, at least after judgment had been given, but immediate loss of civic rights until it was paid.

ἡλιάξῃται] = δικάξῃ, as ἡλιαία is often synonymous with δικάστηριον. The word is quoted

from Lysias by Harpocration, and occurs several times in Aristophanes. On the spirit of this enactment, and the case of a poor man capitally punished for earning a few obols as a dicast, see the note on Androt. § 48.

δῶ...τὴν ἐπιχειροτονίαν] = ἐπιχειροτονεῖν § 39. This sense of the word betrays the grammarian: 'to put the question' is properly ἐπιψηφίζειν (Androt. § 9; below, § 54). The subst. ἐπιψήφισις is not found in classical writers. The Attic usage of ἐπιχειροτονία (§ 20 ff.) is limited to the phrases ἐπιχ. τῶν νόμων and ἐπιχ. τῶν ἀρχῶν.

ἄτιμος ἔστω] It was only in this case that the Proedri were made responsible for the questions they put to the vote: in other cases the remedy was a γραφή παρανόμων against the proposer of the law, Androt. § 9 n.

§ 51. "Ἔστι μὲν ἔργον] 'It would be a job:' 'I should have enough to do:' 'Es ist eine schwere Ausgabe,' Benseler: rather than as K. 'it would be tedious.'

μεν' ἄξιον δ', εἰ περί του καὶ ἄλλον, καὶ περὶ τοῦδε  
 ὃν νῦν ἀνέγνω διελθεῖν. ὁ γὰρ τὸν νόμον τοῦτον, ὃ  
 ἄνδρες Ἀθηναῖοι, θεῖς ἤδδει τὴν φιλανθρωπίαν καὶ  
 τὴν πραότητα τὴν ὑμετέραν, καὶ διὰ ταύτην ἑώρα  
 περὶ πολλῶν ὑμᾶς ἐκόντας ἤδη [ποτέ] μεγάλην ζημιω-  
 52 θέντας. βουλόμενος δὲ μηδεμίαν πρόφασιν τοῦ τὰ  
 κοινὰ κακῶς ἔχειν ὑπολιπεῖν, τοὺς μετὰ τῶν νόμων 717  
 κρίσει καὶ δικαστηρίῳ μὴ δίκαια ποιεῖν ἐγνωσμένους  
 οὐκ ᾔετο δεῖν τῆς εὐηθείας τῆς ὑμετέρας ἀπολαύειν,  
 τὸ δεῖσθαι καὶ μετὰ συμφορᾶς ἰκετεύειν ἔχοντας  
 ἀφορμὴν, ἀλλ' ὅλως ἀπέειπε μὴτ' αὐτῷ μὴτ' ἄλλῳ  
 μηδεὶν μὴτ' ἰκετεύειν μῆτε λέγειν ὑπὲρ τῶν τοιούτων,  
 53 ἀλλὰ ποιεῖν τὰ δίκαια σιγῇ. εἰ τοίνυν τις ἔροιθ'  
 ὑμᾶς ποτέροις μᾶλλον ἂν εἰκότως ποιήσασθ' ὅτιοῦν,

περὶ πολλῶν...ἤδη ποτέ] 'durch schon in so manchen Fällen' Benseler: 'that by reason of it you had on so many occasions before then submitted to serious loss' K. This usage of *περὶ* is rather uncommon: a tolerably near parallel is Plat. Gorg. 467 D "Ἄλλο τι οὖν οὕτω καὶ περὶ πάντων; 'is it not so in all cases?' *quod attinet ad omnia*, Heindorf.

§ 52. τοῦ τὰ κοινὰ κακῶς ἔχειν] 'for the public interest suffering:' i.e. the finances, which alone are the subject of the laws discussed in §§ 45—55.

τοὺς μετὰ τῶν νόμων...ἐγνωσμένους] 'who in accordance with law, after a regular trial and by the sentence of a court, have been convicted of misconduct.' We might also translate *κρίσει καὶ δικαστηρίῳ* as a hendiadys, 'by the verdict of a jury.'

εὐηθείας] 'good-nature,' is the *φιλανθρωπία* and *πραότης* of the last section regarded from a con-

temptuous point of view, Androt. § 78. Ascribed to Athenian juries, i. Aristog. p. 773 § 12 ἀπὸ τῆς συνήθους εὐηθείας εἰσεληλυθότες καθεδεῖσθε, 'if you come into court and take your seats in your usual easy temper:' joined to ἀπολαύειν, Aeschin. Timarch. § 56, ἀπολελυκώς, ὡς λέγεται, τῆς ἐκείνου εὐηθείας, 'having made a profit out of it.'

ποιεῖν τὰ δίκαια] 'to comply with the law,' on pain of being punished for contempt. The affirmative verb is supplied from the negative ἀπέειπε: cf. Soph. Oed. Tyr. 236 τὸν ἄνδρ' ἀπανδῶ τοῦτον—μὴτ' εἰσδέχεσθαι μῆτε προσφωνεῖν τινα | ὠθεῖν δ' ἀπ' οἴκων πάντας: and other examples in Jelf, *Synt.* § 895, 9, Madvig, *Synt.* § 213.

§ 53. ποτέροις...ὅτιοῦν] 'for which class of persons you would be more likely to do anything,' dat. *commodi*.

τοῖς δεομένοις ἢ τοῖς ἐπιτάττουσιν, οἷδ' ὅτι φήσαιτ' ἂν τοῖς δεομένοις· τὸ μὲν γὰρ χρηστῶν, τὸ δ' ἀνάνδρων ἀνθρώπων ἔργον ἐστίν. οὐκοῦν οἱ νόμοι μὲν ἅπαντες προστάττουσιν ἂν χρὴ ποιεῖν, οἱ τιθέντες δὲ τὰς ἱκετηρίας δέονται. εἰ τοίνυν ἱκετεύειν οὐκ ἔξεστιν, ἢ πού νόμον γ' ἐπίταγμ' ἔχοντ' εἰσφέρειν; ἐγὼ μὲν οὐκ οἶμαι. καὶ γὰρ αἰσχρὸν περὶ ὧν μηδὲ χαρίζεσθαι δεῖν ὑπειλήφατε, περὶ τούτων ἀκόντων ὑμῶν ἔαν ἅ τινες βούλονται πραχθῆναι.

Λέγε τὸν μετὰ τοῦτον ἐφεξῆς.

### ΝΟΜΟΣ.

54 [Ὅσων δίκη πρότερον ἐγένετο ἢ εὐθυνα ἢ διαδι-

τὸ μὲν γὰρ χρηστῶν, τὸ δ' ἀνάνδρων] i.e. τὸ μὲν γὰρ ποιεῖν ὁτιοῦν τοῖς δεομένοις, χρηστῶν, τὸ δὲ ποιεῖν ὁτιοῦν τοῖς ἐπιτάττουσιν, ἀνάνδρων: χρηστῶν is 'kind-hearted' K., 'gutherzigen' Benseler.

οἱ τιθέντες δὲ τὰς ἱκετηρίας] Above, § 12 n. The placing the suppliant bough might even sometimes be a capital crime, Andoc. de Myst. § 110.

εἰ...οὐκ ἔξεστιν] Androt. § 18 n.

ἢ πού...εἰσφέρειν;] 'can it be permitted to introduce a law, which implies command?' The argument of §§ 45—55 is summed up in these words and in the following, περὶ ὧν μηδὲ χαρίζεσθαι δεῖν ὑπειλήφατε, 'in cases where you have deemed it right to abstain even from acts of grace.' The denial of the right of petition, when a judgment had once been pronounced, involved *a fortiori* the rejection of what would now be called 'relief bills,' of which the law

of Timocrates was a glaring instance.

οἶμαι] A silent correction of Dindorf's: the MSS. and the other critical editions read οἶομαι. Cf. §§ 68, 72.

τὸν μετὰ τοῦτον ἐφεξῆς] § 49 n.

§ 54. Here, as in § 50, the substance of the 'law' is compiled from Demosth. himself in the context, with the irrelevant and even nonsensical addition μηδὲ κατηγορεῖν ἐόντων κ.τ.λ.

Ὅσων δίκη πρότερον ἐγένετο] In Athenian law there was little opportunity for bringing appeals properly so called: the verdict of the dicasts was generally final and irrevocable: the same issue could not be raised again, except in an indirect manner. The exceptions may be classed as a 'motion for a new trial' (δίκη ἀνάδικος, ἀναδικία, παλινδικεῖν) and an appeal in the stricter sense (ἐφεσις).

The former was granted (1) if the prosecutor had gained a verdict by default (ἐρήμην λαγ-



κασία περί του ἐν δικαστηρίῳ, ἢ ἰδίᾳ ἢ δημοσίᾳ, ἢ τὸ δημόσιον ἀπέδοτο, μὴ εἰσάγειν περὶ τούτων εἰς τὸ δικαστήριον μηδ' ἐπιψηφίζειν τῶν ἀρχόντων μηδένα, μηδὲ κατηγορεῖν ἐόντων ἃ οὐκ ἐῷσιν οἱ νόμοι.]

χάνειν), and the defendant could prove that such default was not owing to his negligence; in which case he was said ἐρήμην ἀντιλαχεῖν, Demosth. c. Zenoth. p. 889 § 27. (2) If the loser convicted his opponent's witnesses by a δίκη ψευδομαρτυριῶν, he might next proceed against the principal himself by a δίκη κακοτεχνιῶν for subornation of perjury ([Demosth.] c. Everg. et Mnesib. p. 1139 § 1, c. Timoth. p. 1201 § 56): and if again successful, might obtain a rehearing of the original suit.

The appeal called ἔφεσις was allowed only in the following cases: (1) From a decision of the public arbitrators (δαιτηταὶ κληρωτοί): (2) From a διαψήφισις or decision of a man's δημόται adverse to his rights of citizenship: (3) From an ἐπιβολή or fine summarily imposed by a magistrate; but not from the τῖμημα or fine assessed by a jury: (4) In the δίκαι ἀπὸ συμβόλων, when one of the parties was a citizen of a foreign state, between which and Athens the agreement called σύμβολα existed. The accounts we have of these appeals, mostly derived from Pollux, are by no means clear.

(Condensed from *Dict. Antiq.* s. v. Appellatio (*Greek*). See further details under the respective headings: Pseudomartyrion, Kakotechnion (the latter also in Daremberg and Saglio), Diaetetae, Diapsephisis, Epibole, Di-

kai apo Symbolon: and comp. Sandys' *Introd.* to i. and ii. Steph. in Demosth. part ii.).

εὐθυνα] This word is rare in the singular, especially in the technical sense of 'examination on quitting office,' 'audit of accounts.' We find however in Lys. Or. xxv. § 30 πολλὰς δὲ ἀρχὰς ἀρχοντες οὐδεμᾶς εὐθύνην διδῶσιν: and in Aeschin. Ctes. § 17 εἰ μὴ τις ἐστὶν εὐνοίας εὐθυνα. The forms εὐθύνη (plur. εὐθύναι) or εὐθυνα (plur. εὐθυναί) are deemed equally good by Shilleto on *Fals. Leg.* p. 346 § 52: Dindorf and the Zurich Editors prefer the latter without absolutely rejecting the other. Hence, in the passages just cited, Dind. leaves εὐθύνην in Lysias where all MSS. agree, but reads εὐθυνα in Aeschines from one corrected MS. The Scholiast likewise favours εὐθυνα: περὶ δὲ τοῦ τόνου τῆς εὐθύνης ἤδη εἵπομεν ὅτι προπαροξύνεται.

διαδικασία] Above, § 12 n.

ἢ τὸ δημόσιον] i.e. ἢ ὅσα τὸ δημόσιον ἀπέδοτο. The cases in which a rehearing is here refused are (1) judgment in an ordinary suit, δίκη: (2) the case of an outgoing magistrate, declared by the εὐθynοι or auditors to owe monies to the State: (3) questions of ownership: (4) sales by the treasury. These last would refer to confiscated property (οὐσία δημοσία § 50): no action would lie against the purchaser of such: the State's having ordered the sale

55 Τιμοκράτης τοίνυν, ὥσπερ μαρτυρίαν ὧν ἀδικεῖ γράφων, εὐθύς ἀρχόμενος τοῦ νόμου τάναντί' ἔθηκε τούτοις. ὁ μὲν γ' οὐκ ἐὰν περὶ ὧν ἂν ἅπαξ γινῶ δικαστήριον πάλιν χρηματίζειν· ὁ δ' ἔγραψε, καὶ εἴ τινα προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα, τὸν δῆμον τούτῳ χρηματίζειν, ὅπως ἂ μὲν ἔγνω τὸ δικαστήριον 718 λυθήσεται, καταστήσει δ' ἐγγυητὰς ὁ ὀφλῶν. καὶ ὁ μὲν νόμος μὴδ' ἐπιψηφίζειν φησὶ τῶν ἀρχόντων παρὰ ταῦτα μὴδένα· ὁ δ' ἔγραψε τοῖς προέδροις ἐπάναγκες, εἰάν τις καθιστῇ, προσάγειν, καὶ προσέγραψεν "ὅπότ' ἂν τις βούληται."

would constitute a 'parliamentary title,' so to speak.

μη εἰσάγειν] §§ 10, 14: for the construction, §§ 20, 45.

μηδ' ἐπιψηφίζειν] § 50 n.

§ 55. χρηματίζειν] As applied to the presiding magistrates, this word has been explained §§ 21 n., 45. The phrase τὸν δῆμον τούτῳ χρηματίζειν is unusual, but merely extends the same notion: 'the people shall deal with the matter on his behalf.' K.

ὅπως ἂ μὲν ἔγνω] 'so that the decision of the court may be reversed, and the accused party may put in bail:' K. nearly. MS. Σ with some others reads καταστήσει: but usage, and λυθήσεται preceding, are decisive in favour of the future. On this question, generally referred to as 'Dawes's canon,' see Jelf, *Synt.* § 812, Madvig, *Synt.* § 123. Cobet *Var. Lect.* p. 108 will not hear of the aor. subj. even as an exception, but it must be admitted that there are passages, such as Plato, *Protag.* 313 c, where all MSS. are against him.—ὁ ὀφλῶν] 50 n.

ἔγραψε...προσάγειν] 'provided

(inserted a clause to the effect) that the Proedri shall present the bail' to the people for approval. Dobree wanted to read τοὺς προέδρους, as in § 39: if such uniformity were required, the usage of Demosth. himself is to be preferred to that of the interpolator of these documents.

§§ 56—58. *The law of Timocrates sets aside decisions of the courts which have already been carried out. It thus not merely introduces a dangerous confusion into the administration of the laws, but insults the honest juries of constitutional times by treating them precisely like the hated Thirty, whose acts were declared null and void.*

The common-sense objections to retroactive legislation had been already stated in §§ 42—44; in their present form they are merely *ad invidiam* arguments intended to prejudice the jury. Demosthenes must have seen clearly the difference between the revolutionary enactments which unsettle the relations of property, and the mere proposal that a certain class of debtors to the State should be treated

56 Λέγ' ἕτερον νόμον.

### ΝΟΜΟΣ.

[Τὰς δίκας καὶ τὰς διαίτας, ὅσαι ἐγένοντο ἐπὶ τοῖς νόμοις ἐν δημοκρατουμένῃ τῇ πόλει, κυρίας εἶναι.]

Οὐ φησι Τιμοκράτης, οὐκουν ὁπόσοις γ' ἂν δεσμοῦ προστιμηθῇ.

Λέγε.

### ΝΟΜΟΣ.

[Ὅποσα δ' ἐπὶ τῶν τριάκοντ' ἐπράχθη ἢ δίκη ἐδικάσθη, ἢ ἰδία ἢ δημοσία, ἄκυρα εἶναι.]

57 Ἐπίσχεσ. εἰπέ μοι, τί δεινότατον πάντες ἂν ἀκούσαντες φήσαιτε καὶ τί<sup>h</sup> μάλιστ' ἂν ἀπεύξαισθε; οὐχὶ ταῦτα τὰ πράγματα, ἅπερ ἦν ἐπὶ τῶν τριάκοντα,

<sup>h</sup> τί add. Bekk. Bl. cum γρ. Σ.

less harshly, and that this measure of relief should include those already indebted. But it did not suit him to rest his case solely on its merits; we are reminded of the words of the Second Argument, τὸ μὲν νόμιμον κεφάλαιον ἐντελέστατα εἴργασται, τὸ δὲ δίκαιον καὶ τὸ συμφέρον καὶ τὸ δυνατόν ἀλλήλοις συμπλέκεται (p. 699, 5).

§ 56. ἐν δημοκρατουμένῃ τῇ πόλει] Opp. to ἐπὶ τῶν τριάκοντα, and probably also to the earlier oligarchy of 411. Comp. §§ 42 n., 76 n.

ἐπράχθη] 'voted' (bestimmt) rather than 'done' expresses the meaning of this word. The reference is to the 'acta' as the Romans would have called them or judicial decrees of the Thirty; i.e. mostly to the executions and

confiscations decreed by a packed assembly at their bidding.

ἢ δίκη] Our law-compiler is here not happy in his Greek. Reiske explains this by ὁπόση δίκη; but in Attic we should expect ὁποσαι δίκαι or εἴ τις δίκη.

§ 57. ἀκούσαντες] 'When you heard' (that law read, like ἐνεθυμήθητ' ἀναγινωσκομένου τοῦ ψηφίσματος § 28), 'what would you (naturally) declare to be the most monstrous thing?' The very mention of the Thirty would remind an Athenian audience that this was the bitterest passage in their history. This is substantially Benseler's explanation (die Ihr das gehört) and seems more exact than K.'s 'what would you say was the most dreadful thing you ever heard?'

μὴ γενέσθαι; ἔγωγ' οἶμαι. ὁ γοῦν νόμος οὕτως ἐν-  
 λαβοίμενος, ὥς ἐμοὶ δοκεῖ, τὸ τοιοῦτον ἀπεῖπε τὰ  
 πραχθέντ' ἐπ' ἐκείνων μὴ κύρι' εἶναι. οὕτως τοί-  
 νυν τὴν αἰτὴν κατέγνω παρανομίαν τῶν ἐπὶ τῆς δη-  
 μοκρατίας πεπραγμένων, ἥνπερ τῶν ἐπ' ἐκείνων ὑμεῖς  
 58 ὁμοίως γοῦν ἄκυρα ποιεῖ. καίτοι τί φήσομεν, ὃ  
 ἄνδρες Ἀθηναῖοι, τοῦτον κύριον τὸν νόμον ἐάσαντες  
 γενέσθαι; πότερον τὰ δικαστήρια, ἃ δημοκρατου-  
 μένης τῆς πόλεως ἐκ τῶν ὁμωμοκότων πληροῦται,  
 ταῖτ' ἀδικήματα τοῖς ἐπὶ τῶν τριάκοντ' ἀδικεῖν;  
 καὶ πῶς οὐ δεινόν; ἀλλὰ δικαίως ἐψηφίσθαι; τίνος  
 οὖν εἵνεκα τὸν λύσοντα ταῦτα νόμον θέσθαι φήσομεν;  
 πλὴν εἰ τοῦτό τις εἴποι, μανέντες' ἄλλο γὰρ οὐκ 719  
 ἔστιν εἰπεῖν.

μὴ γενέσθαι] μὴ is added be-  
 cause of ἀπεύξαισθε: 'deprecate  
 the repetition of,' K. rightly.  
 So in the next sentence ἀπεῖπε  
 ...μὴ κύρια εἶναι: above § 31  
 εἴδειαν τοῦ μὴ τι παθεῖν.

ὁ γοῦν νόμος οὕτως] γοῦν ex-  
 plains ἔγωγ' οἶμαι. 'I think so;  
 at least this seems to be the  
 meaning of the law' &c.

ἐνλαβόμενος.....τὸ τοιοῦτον]  
 'providing against such a con-  
 tingency,' K.

οὕτως τοίνυν] οὕτως is now  
 the defendant Timocrates, not  
 the law.

κατέγνω] 'imputed the same  
 illegality.' According to De-  
 mosthenes, T. had *implicitly*  
 set aside *all* judicial decisions  
 by reversing *some*.

§ 58. ἐάσαντες] 'if we allow.'  
 The confirmation of T.'s law  
 would depend on the result of  
 the present trial.

ἐκ τῶν ὁμωμοκότων πληροῦται]  
 'are impanelled from among  
 those who have sworn (the He-

liastic oath):' not simply 'of  
 sworn men.' Comp. § 21 n.:  
 §§ 149—151. Benseler, who is  
 usually careful in noticing the  
 variations of MSS. and Edd.,  
 here reads κληροῦται without re-  
 mark: not accidentally, as is  
 shewn by his version 'durch  
 Loos besetzt werden.' If the  
 reading of all the MSS. (πλη-  
 ροῦτε in Σ is no real variant,  
 § 85 n.) needed any justification,  
 it might be found in § 92 δικα-  
 στήρια πληροῦτε.

ἐψηφίσθαι] δικαστήρια is the  
 subject both of ἀδικεῖν and of  
 ἐψηφίσθαι: 'shall we say that  
 they commit the same crimes  
 as under the Thirty (whose ac-  
 complices in guilt they were) or  
 that they have given just ver-  
 dicts?'

θέσθαι φήσομεν] The subject  
 of θέσθαι being the same as of  
 φήσομεν is not expressed. 'If  
 so, what reason shall we assign  
 for passing a law to rescind  
 their judgments? unless we

59 Λέγ' ἄλλον νόμον.

## ΝΟΜΟΣ.

[Μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θεῖναι, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις τιθῆ, ἢ<sup>i</sup> ψηφισαμένων μὴ ἔλαττον ἐξακισχιλίων, οἷς ἂν δόξη κρίβδην ψηφίζομένοις.]

<sup>i</sup> ἢ om. libri. ἢ—ψηφίζομένοις om. Dind.

were to say it was an act of madness.' K. nearly. With *μανέντες* supply *ἐθέμεθα*, not *θέσθαι* which would require *μανέντας* after *εἴποι τις ἄν*.

§§ 59, 60. The argument against *privilegia* just touched upon in § 18 ἐπὶ πᾶσι τὸν αὐτὸν νόμον τιθέναι κελεύει, re-stated and amplified. *The law forbids the proposal of any statute not applying to all Athenians, unless by the votes of 6000 citizens, taken by ballot. The very wording of this decree of Timocrates shows that he has not complied with the enactment: he excepts by name the farmers of taxes, the lessees of the revenue, and their sureties. There is no pretence that such persons are the greatest offenders, the least deserving of relief from the law of imprisonment. Your proposal stands disclosed for what it is: a barefaced attempt to favour speculators, or rather open plunderers of the public money.*

§ 59. τιθῆ, ἢ ψηφισαμένων] See the various readings. Dindorf's excision of the latter part of this document is certainly too bold: and (though as a rule adhering to his text) I have here followed the other recent Editors in retaining the passage as it stands in the MSS. with Reiske's very slight correction. It is true

that in Aristocr. p. 649 § 86 the law is quoted without the additional words: and that Demosth. did not need to cite them, perhaps was not likely to cite them (as weakening the force of his argument) for his present purpose. But we have to bear in mind, not what the clerk was likely to have read at the bidding of Demosthenes (which, it is now admitted, no one really knows), but what the compiler of these 'laws' thought fit to insert in the text of his author, as his own notion of what had been read. Similar clauses are found in the law of § 45, and, however irrelevant, may very well have been inserted here. Without some correction, however, the reading of the MSS. yields no sense: it fails to mark the distinction between the general rule and the exceptional *privilegium*. The author of the 'Leges Atticae,' Samuel Petit, proposed to insert εἰ μὴ before *ψηφισαμένων*, as in Andoc. de Myst. § 87 where the law is quoted εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις, εἰ μὴ ἐξακισχιλίοις δόξη κρίβδην ψηφισαμένοις. Reiske's correction accounts best for the reading of the MSS. as ἢ might so easily have dropt out after τιθῆ: otherwise the inelegant repeti-



Οὐκ ἔα νόμον ἄλλ' ἢ τὸν αὐτὸν τιθέναι κατὰ τῶν πολιτῶν πάντων, καλῶς καὶ δημοτικῶς λέγων. ὥσπερ γὰρ τῆς ἄλλης πολιτείας ἴσον μέτεστιν ἐκάστω, οὕτω καὶ τούτων ἴσον μετέχειν ἕκαστον ἀξιοῖ. δι' οὓς μὲν τοίνυν οὗτος εἰσέφερε [τὸν νόμον<sup>k</sup>], ἡμεῖς οὐδὲν ἐμοῦ χεῖρον γιγνώσκετε· ἄνευ δὲ τούτων αὐτὸς ὡμολόγησε μὴ ἐπὶ πᾶσι τὸν αὐτὸν τεθεικέναι, πλὴν περὶ τῶν τελωνῶν καὶ τῶν μισθουμένων καὶ τῶν τούτων ἐγγυητῶν χρῆσθαι προσγράψας τῷ νόμῳ. οὐκοῦν ὅπότ' εἰσὶν τινες οὓς ἀφορίζεις, οὐκ ἂν ἔτ' 60 εἴης ἐπὶ πᾶσι τὸν αὐτὸν τεθεικῶς. καὶ μὴν οὐδ' ἐκεῖνό γ' ἂν εἴποις, ὥς ὅσοις δεσμοῦ προστιμᾶται, τούτων μάλιστα ἢ τὰ μέγιστ' ἀδικοῦσιν οἱ τελῶναι, ὥστε μόνοις αὐτοῖς μὴ μεταδοῦναι τοῦ νόμου. πολὺ γὰρ δῆπου μᾶλλον οἱ προδιδόντες τι τῶν κοινῶν, οἱ τοὺς γονέας κακοῦντες, οἱ μὴ καθαρὰς τὰς χεῖρας

<sup>k</sup> τὸν νόμον om. Z Bl. cum ΣAZ et pr. k.

tion of ἐὰν μὴ may be defended by § 45 and Andoc. l. c.

κατὰ τῶν πολιτῶν πάντων] = ἐπὶ πᾶσιν Ἀθηναίοις above, 'applying to.' For this use of κατὰ comp. II. Phil. p. 68 § 9 δ καὶ μέγιστόν ἐστι καθ' ἡμῶν ἐγκώμιον: Aeschin. Ctes. § 50 οἱ κατὰ Δημοσθένους ἔπαινοι. Jelf, *Synt.* § 628. 2.

καλῶς καὶ δημοτικῶς] Above, § 34 δικαίως καὶ σφόδρα ὑπὲρ τοῦ δήμου. Below, § 69.—ἄνευ δὲ τούτων] 'and besides:' cf. Aristocr. p. 657 § 112.

ἐγγυητῶν] Compare § 40, where a further class of revenue officers, the ἐκλογεῖς or ἐκλέγοντες, are mentioned, and μισθουμένων is expanded into τῶν τὰ μισθώματα μεταδομένων.

§ 60. οἱ προδιδόντες τι τῶν

κοινῶν] How vague these charges might be is well shown in C. R. K.'s article 'Prodosia' in *Dict. Antiq.* The punishment was usually death: but we find below § 127 καὶ προδοσίας γε ἄλλους τρία τάλαντα ἀπέτισε.

τοὺς γονέας κακοῦντες] *Dict. Antiq.* s. v. 'Kakosis.' If we may trust Andocides, those found guilty of *κῶσις* γονέων were among a large class of offenders of whom he says οὗτοι πάντες ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον, de *Myst.* § 74. And this *Atimia* involved exclusion from the Agora, below § 103, Androt. § 77.

μὴ καθαρὰς τὰς χεῖρας] Homicide, even when purely accidental or excusable, was regarded in the religious point of view as a pollution of the city and terri-

ἔχοντες, εἰσιόντες δ' εἰς τὴν ἀγοράν, ἀδικοῦσιν. οἷς ἅπασιν οἱ μὲν ὑπάρχοντες νόμοι δεσμὸν προλέγουσιν, ὁ δὲ σὸς λελῦσθαι δίδωσιν. ἀλλ' ἐνταῦθα πάλιν καταμηνύεις ὑπὲρ ὧν ἐτίθεις· διὰ γὰρ τὸ μὴ τελωνήσαντας ὀφείλειν αὐτούς, ἀλλὰ κλέψαντας, μᾶλλον δ' ἀρπάσαντας τὰ χρήματα, διὰ τοῦτ' οὐκ ἐφρόντισας, οἶμαι, τῶν τελωνῶν.

- 61 Πολλοὺς δ' ἂν τις ἔχοι νόμους ἔτι καὶ καλῶς 720 ἔχοντας δεικνύναι, οἷς πᾶσιν ἐναντίος ἐστὶν ὃν οὗτος τέθεικεν. ἀλλ' ἴσως ἐγὼ μὲν, εἰ περὶ πάντων ἐρῶ, ἐξωσθήσομαι περὶ τοῦ μὴδ' ἐπιτιγδειον ὅλως ὑμῖν εἶναι τὸν νόμον εἰπεῖν, ὑμῖν δ' ὁμοίως ἔνοχος φανεῖται τῇ γραφῇ, καὶ εἰ ἐνὶ τῶν ὄντων νόμων ἐναντίος ἐστίν.

tory of Athens, and required ceremonial expiation: a principle common to the Hebrew and other ancient codes. Compare *Dict. Antiq.* s. v. 'Phonos.'

λελῦσθαι δίδωσιν] 'grants an immediate release.' The perf. infin. implies the continuance of the action as well as its suddenness: such prisoners are to be, and to remain, released. So *Thucyd.* i. 87 § 6 ἡ διαγνώμη τῆς ἐκκλησίας τοῦ τὰς σπονδὰς λελῦσθαι. Comp. *Jelf, Synt.* § 399, 2; *Madvig, Synt.* § 171 Rem. 1. *Goodwin, Moods and Tenses*, § 18, 3.

ὑπὲρ ὧν ἐτίθεις] 'in whose interests you proposed' the law: like οἱ οὗτος εἰσέφερε in the last section.

§§ 61—65. *Time would fail me to speak of all the laws to which that of Timocrates is repugnant. I will take but one more example, a law formerly passed by himself, which will make him his own accuser. In it he increased the stringency of the proceedings in cases of im-*

*peachment (εἰσαγγελία), and provided that those sentenced to a fine should be imprisoned until it was paid. Such inconsistency shows that he would do anything for the sake of gain, and is utterly shameless. He deserves the penalty of malefactors who confess their guilt, that he should be punished without trial: for the repugnancy of his two laws with one another amounts to a confession of guilt.*

§ 61. ἐξωσθήσομαι ... εἰπεῖν] The usual construction would be τοῦ μὴ εἰπεῖν: and the simple infinitive is especially rare after the passive voice. The examples with κατέχειν, κωλύειν and the like, in *Jelf, Synt.* § 664, and the passage quoted here by G. H. Schaefer, *Soph. Aj.* 69 ἐγὼ γὰρ ὁμμάτων ἀποστροφῶν | αὐγὰς ἀπείρξω σὴν πρόσοψιν εἰσιδεῖν, are for this reason not exactly parallel.

περὶ τοῦ...εἶναι] 'on its being contrary to public policy,' as in §§ 1, 33, 48, 68: = ὡς καὶ μεγάλ' ἂν βλάβῃ just below.

πῶς οὖν μοι δοκεῖ; τοὺς μὲν ἄλλους ἔαν, περὶ δ' οὐ  
 πρότερόν ποτ' αὐτὸς οὗτος<sup>1</sup> ἔθηκε νόμον διελθόντ' ἐπ'  
 ἐκείνῳ ἵεναι τὸ μέρος τῆς κατηγορίας ἤδη, ὥς καὶ με-  
 62 γάλ' ἂν βλάπτοι γενόμενος κύριος<sup>m</sup> τὴν πόλιν. τὸ  
 μὲν οὖν τοῖς τῶν ἄλλων ἐναντίον εἰσεννηοχέειν νόμον  
 δεινὸν μὲν, ἀλλ' ἄλλον δεῖται κατηγοροῦν τὸ δε [τῷ]  
 ἱφ' αὐτοῦ<sup>n</sup> πρότερον κειμένῳ νόμῳ τὰναντία θεῖναι,  
 τοῦτ' ἤδη ποιεῖ κατήγορον αὐτὸν αὐτοῦ γεγενῆσθαι.  
 ἵν' οὖν τοῦτ' εἰδῇτε γιγνόμενον, ἀναγνώσεται τὸν  
 νόμον ὑμῖν αὐτὸν ὃν οὗτος ἔθηκεν<sup>1</sup> ἐγὼ δὲ σιωπήσο-  
 μαι. λέγε.

### ΝΟΜΟΣ.

63 [Τιμοκράτης εἶπει, ὅποσοι Ἀθηναίων κατ' εἰσαγ-  
 γελίαν ἐκ τῆς βουλῆς ἢ νῦν εἰσιν ἐν τῷ δεσμοτηρίῳ

<sup>1</sup> οὗτος om. Z Bekk. cum Σ et pr. Υ.

<sup>m</sup> κύριος ὧν Bl.

<sup>n</sup> τὸ δ' αὐτοῦ Z Bens. cum Σ.

πῶς οὖν μοι δοκεῖ] 'What course then shall I take?' K.

§ 62. τὸ μὲν οὖν...κατηγοροῦν] 'Now to have introduced a law contrary to the laws of (passed by) other men, is a great offence, yet it requires another party for accuser.' K. nearly.

ἀναγνώσεται] § 12 n.

§ 63. κατ' εἰσαγγελίαν] The commonly received meaning of this term is 'an impeachment before the senate or the assembly of the people for all extraordinary crimes committed against the state, and for which there was no special law provided.' But it is not easy to reconcile this very general language concerning the ἀγραφα δημόσια ἀδικήματα (Pollux viii. 51) with the νόμος εἰσαγγελτικός of the text, of Pollux l.c. and of the *Lexicon Rhetoricum Can-*

*tabrigiense* s.v. εἰσαγγελία, a law which is described as limiting the term to certain specified offences or at least classes of offences. Our knowledge of the recorded cases of εἰσαγγελία has been greatly increased of late by the discovery of the papyri of Hyperides; and the subject has been exhaustively discussed by Dr Herman Hager in the *Journal of Philology*, iv. pp. 74—112. The classes as defined by the law may be grouped as follows: (1) Ἀν Εἰσαγγελία καταλύσεως τοῦ δήμου, (2) προδοσίας, (3) for giving bad advice to the people [only against a ῥήτωρ or professed public man, not against an ἰδιώτης], (4) ἐάν τις ἀδικῇ περὶ τὰ ἐν τοῖς νεωρίοις, apparently a special form of προδοσία designed to hedge in with additional safeguards the all-

ἢ τὸ λοιπὸν κατατεθῶσι, καὶ μὴ παραδοῇ ἢ κατὰ-  
γνωσις αὐτῶν τοῖς θεσμοθέταις ὑπὸ τοῦ γραμματέως  
τοῦ κατὰ πρυτανείαν κατὰ τὸν εἰσαγγελτικὸν νόμον,  
δεδοχθαι<sup>ο</sup> εἰσάγειν τοὺς ἑνδεκα εἰς τὸ δικαστήριον

<sup>ο</sup> *add. τοῖς θεσμοθέταις* Z Bens. *cum libris.* νομοθέταις Bl.

important maritime defences of Athens. To these Dr Hager adds (5) *Eisangelia* for offences against the commercial laws, of which last sort the following examples are adduced. (i.) A man was punished capitally *εἰσαγγελλθεὶς ἐν τῷ δήμῳ* for raising a second mortgage upon the same property (*ἐπιδεδανεισμένος*, Demosth. c. Phorm. p. 922 § 50): (ii.) The 22nd Oration of Lysias, *κατὰ τῶν σιτοπωλῶν*, is an *Eisangelia* against 'forestallers and regraters' who had bought up more than 50 *φορμοὶ* at one time, exemplifying, it may be added, all the fallacies which prevailed until very recently on the subject of the corn trade. Several of the cases on record do not at first sight come under any one of the above heads: and Dr Hager's conclusion is 'that *εἰσαγγελία* was applied to crimes enumerated in the *νόμος εἰσαγγελτικός*, but also to all other crimes which' by a legal fiction could be brought under that law (*l.c.* p. 78). When we consider the extreme elasticity of the terms *κατάλυσις τοῦ δήμου* and *προδοσία* at Athens, it is clear that prosecutors need never have been at a loss.

The traditional statement adopted from the grammarians by most modern writers, that the prosecutor in a case of *εἰσαγγελία* was exempt from penalty if he failed to obtain a fifth part of the votes, requires

some modification. Cases occur (e.g. de Cor. p. 310 § 250) in which *εἰσαγγελία* is mentioned in connexion with *τὸ μέρος τῶν ψήφων*: and it seems probable that at least between Ol. 107 and 110, 3 (B.C. 352—338) the impunity of the prosecutor was abolished. It is even doubtful whether it was ever revived: the speech of Hyperides in defence of Euxenippus implies, without stating, that it did not then exist (about 330). Hager, *l.c.* p. 112.

Two other kinds of *Eisangelia* are noticed in the ancient authorities: the *εἰσαγγελία κακώσεως* and the *εἰσαγγελία διαιτητῶν*. Compare Dr Hager's art. *Eisangelia* in *Dict. Antiq.*

*ὅπόσοι...εἰσὶν...ἢ...κατατεθῶσι*  
On this change of construction cf. § 39 n.

*τοῦ γραμματέως*] The *γραμματεὺς κατὰ πρυτανείαν* was one of the three *γραμματεῖς* who were real state-officers and not mere clerks. He always belonged to a different *prytany* from that which was in power. *Dict. Antiq.* s.v.

*δεδοχθαι*] § 20 n. The words *τοῖς θεσμοθέταις* (see various readings) cannot have formed part of the original laws even if they were really written by the 'law-concocter' (*Gesetzfabrikant*). The explanation of G. H. Schaefer, followed in Kennedy's and Benseler's versions, 'the Eleven shall bring them into

τριάκονθ' ἡμερῶν ἀφ' ἧς ἂν παραλάβωσιν, ἐὰν μή τι δημοσία κωλύῃ, ἐὰν δὲ μή, ὅταν πρῶτον οἶόν τ' ᾖ. κατηγορεῖν δ' Ἀθηναίων τὸν βουλόμενον οἷς ἔξεστιν. ἐὰν δ' ἄλλῳ, τιμάτω ἢ ἡλιαία περὶ αὐτοῦ ὅ τι ἂν δοκῇ ἄξιος εἶναι παθεῖν ἢ ἀποτίσαι. ἐὰν δ' ἀργυρίου τιμηθῇ, δεδέσθω ἕως<sup>1</sup> ἂν ἐκτίσῃ ὅ τι ἂν αὐτοῦ κατα- 721 γνωσθῇ.]

<sup>p</sup> ἐντὸς τριάκονθ' Z Bekk. Bens. cum libris.

<sup>1</sup> τέως Z Bekk. Bens. Bl. τε ἔω ΣAkrS. τε ὥς γ.

court before the Thesmothetae,' is neither good Greek nor consistent with what we know of the office of the ἐνδεκα. The latter were, first and principally, executive officers into whose custody those condemned before the Thesmothetae or other judges were committed for punishment, usually capital. They had further, in some cases, an original jurisdiction (ἡγεμονία δικαστηρίου), presiding as judges over a trial. But that they should have acted as promoters of suits in other courts is contrary to all ancient testimonies, and scarcely conceivable. Taylor thought that the reading should be τοὺς θεσμοθέτας, a gloss upon τοὺς ἐνδεκα by some one who did not know of the judicial functions of the Eleven; Dindorf more simply regards the words as accidentally repeated from two lines above. His excision of ἐντὸς is likewise a concession to classical usage, which may or may not have been observed by the compiler (cf. ἡμερῶν τριῶν Androt. § 14 n.).

ἐὰν μή τι δημοσία κωλύῃ] 'if the state of public business does not prevent it,' K.

τὸν βουλόμενον οἷς ἔξεστιν] 'any Athenian who pleases, not

being disqualified' by atimia, nonage, &c.

παθεῖν ἢ ἀποτίσαι] These words are often joined to express 'fines or any other penalties,' cf. Plato, Apol. 36 B τί ἄξιος εἰμὶ παθεῖν ἢ ἀποτίσαι, ὅ τι μαθὼν ἐν τῷ βίῳ οὐχ ἡσυχίαν ἤγον; below, § 105.

ἀργυρίου τιμηθῇ] Impersonal, with the dative to be supplied: as in § 39 εἴ τι...προστετίμηται. §§ 103, 105.

ἕως] The various readings here show that the copyists felt the difficulty of τέως standing for the proper relative form ἕως. The question as to the admissibility of this sense of τέως in Attic Greek is discussed by Buttman Ind. Mid. s.v. τέως, where all the passages from the Orators are collected, and by Shilleto on F. L. p. 446 § 374. The latter in his second and subsequent editions follows the authority of Dindorf against the MSS., and writes ἕως: but he mentions with some approbation Buttman's conjecture, that perhaps in all these cases we ought to read τέως, ἕως. It is easier to believe that this redundant phrase belonged to legal language than to the literary style of Demosth.



64 Ἀκούετ', ὦ ἄνδρες δικασταί ; λέγ' αὐτοῖς αὐτὸ τοῦτο πάλιν.

### ΝΟΜΟΣ.

[Ἐὰν δ' ἀργυρίου τιμηθῇ, δεδέσθω ἕως ἂν ἐκτίσῃ.]

Πέπαυσο. ἔστιν οὖν ὅπως ἂν ἐναντιώτερα τις δύο θεῖη τοῦ δεδέσθαι, ἕως ἂν ἐκτείσωσι, τοὺς ἀλόντας, καὶ τοῦ καθιστάναι τοὺς αὐτοὺς τούτους ἐγγυητάς, ἀλλὰ μὴ δεῖν ; ταῦτα τοῖνυν κατηγορεῖ Τιμοκράτης Τιμοκράτους, οὐ Διόδωρος, οὐδ' ἄλλος ὑμῶν οὐδεὶς 65 τοσούτων ὄντων τὸ πλῆθος. καίτοι τίνος ἂν ὑμῖν ἀποσχέσθαι δοκεῖ λήμματος ἢ τί ποιεῖν ἂν ὀκνήσαι κέρδους εἵνεκα, ὅστις ἐναντία αὐτὸς αὐτῷ νομοθετεῖν ἠξίωσεν, οὐδὲ τοῖς ἄλλοις τῶν νόμων ἐόντων ; ἐμοὶ μὲν γὰρ εἵνεκ' ἀναιδεΐας ὁ τοιοῦτος δοκεῖ πᾶν ἂν ἐτοίμως ἔργον ποιῆσαι. ὥσπερ τοῖνυν, ὦ ἄνδρες Ἀθηναῖοι, τῶν περὶ τᾶλλα κακούργων τοὺς ὁμολογοῦντας ἄνευ κρίσεως κολλάζειν οἱ νόμοι κελεύουσιν, οὕτω δίκαιον καὶ τούτου<sup>τ</sup>, ἐπειδὴ τοὺς νόμους κακουργῶν εἵληπται, μὴ δόντας λόγον μηδ' ἐβελήσαντας ἀκοῦσαι καταψηφίσασθαι ὁμολόγηκε γὰρ [θατέρῳ<sup>ς</sup>] τῷ προτέρῳ νόμῳ ἐναντίον τόνδε τιθεῖς<sup>τ</sup> ἀδικεῖν.

<sup>τ</sup> τοῦτον Z Bens. cum libris.      <sup>ς</sup> θάτερον sine uncis Z Bekk. Bens.

<sup>τ</sup> [τῷ....τιθεῖς] Bens. ἐναντίον om. Z.

§ 64. τοῦ καθιστάναι] The change of subjects is noteworthy : 'that these same persons (τοὺς αὐτοὺς τούτους=τοὺς ἀλόντας) should put in bail, and that one should not imprison them' (instead of δεδέσθαι, that they should not be imprisoned).

§ 65. ἠξίωσεν] 'thought proper,' like ᾤετο δεῖν Androt. § 32 n.

τοῖς ἄλλοις] sc. ἐναντία νομοθετεῖν. As we have seen, this

was provided for by the repeal (λύειν) beforehand of any laws which would be at variance with new legislation. §§ 18, 32, 33.

εἵνεκ' ἀναιδεΐας] 'so far as impudence goes,' Lat. *quod attinet ad*, cf. Lept. p. 461 § 14 οὐδὲ γὰρ εἰ πάνν χρηστός ἐσθ', ὥς ἐμοῦ γ' ἔνεκα ἔστω, βελτίων ἐστὶ τῆς πόλεως τὸ ᾗθος : 'as I am willing to admit that he is,' *esto, per me licet*.

θατέρῳ] The MSS. vary be-

- 66 "Οτι μὲν τοίνυν καὶ παρὰ τούτους [τοὺς νόμους] καὶ παρὰ τοὺς προειρημένους, καὶ μικροῦ δέω παρὰ πάντας<sup>u</sup> εἰπεῖν τοὺς ὄντας ἐν τῇ πόλει, τέθεικε τὸν νόμον, οἶμαι δῆλον ἅπασιν ὑμῖν εἶναι. θαυμάζω δ' αὐτοῦ τί ποτε καὶ τολμήσει λέγειν περὶ τούτων. οὔτε γὰρ ὡς οὐκ ἐναντίος ἔσθ' ὁ νόμος τοῖς ἄλλοις δεικνύειν ἔξει, οὔθ' ὡς δι' ἀπειρίαν ἰδιώτην αὐτὸν ὄντα τοῦτ' ἔλαθε 722 δύναιτ' ἂν πείσαι· πάλαι γὰρ μισθοῦ καὶ γράφων καὶ 67 νόμους εἰσφέρων ὦπται. καὶ μὴν οὐδ' ἐκείνῳ γ' ἐνεστιν αὐτῷ, ἀδίκημα μὲν εἶναι τὸ πρᾶγμα ὁμολογήσαι, συγγνώμης δὲ τυχεῖν ἀξιοῦν· οὐ γὰρ ἄκων οὐδ' ὑπὲρ ἡτυχηκότων οὐδ' ὑπὲρ συγγενῶν καὶ ἀναγκαίων αὐ-

<sup>u</sup> παρ' ἅπαντας Z Bekk. Bens. cum Σ.

tween θατέρῳ and θάτερον. Benseler reads θάτερον ἀδικεῖν, bracketing the intervening words. Dindorf's correction is much less violent and gives the best sense. Of course, if θάτερον ἀδικεῖν, 'to offend on one of two points,' be right, the rest must come out; but, as it seems to me, there is no real dilemma. [Bl. reads θατέρῳ νόμῳ τόνδε τιθεῖς, omitting τῷ προτέρῳ and ἐναντίον.]

§§ 66, 67. The proofs (from § 39 onward) that Timocrates' law is contrary to the existing law, are summed up with two remarks. (1) *He cannot plead inexperience, as though he were a private man: for he has long been known as a professional politician framing decrees for hire.* (2) *Neither can he confess and plead extenuating circumstances: his illegalities were committed for the benefit of most undeserving persons, who had no claim on his compassion.*

§ 66. θαυμάζω δ' αὐτοῦ τί] A

construction more common in Plato than in the Orators: see a note on Protag. 329 c.

δεικνύειν] Androt. § 34 n. Above, § 35. It may be observed, as against Cobet's Procrustean rule, that here and in § 68 δεικνύειν would leave a hiatus.

ὦπται] The old Attic form of the perf. pass. ὤμμαι is found in Aesch. Prom. 998: ὤψαι in one place of Demosthenes (de Cor. p. 314 § 263). The later Attic ἐώραμαι is more frequent: i. Steph. p. 1121 § 66, c. Conon. p. 1262 § 16, cf. προεώραται ib. § 19.

§ 67. συγγενῶν καὶ ἀναγκαίων] The same phrase occurs de Fals. Leg. p. 434 § 290=332: and ἀναγκαῖοι is perhaps = φίλοι, and to be distinguished from συγγενεῖς, 'verwandter oder irgend befreundeter Leute,' Benseler: but there can be no objection to K.'s rendering, 'relations and connexions.' For elsewhere we have such expressions as τὰ τῆς

τῷ τεθεικῶς φαίνεται τὸν νόμον, ἀλλ' ἐκὼν ὑπὲρ μεγάλ' ἡδίκηκότων ὑμᾶς, οὐδὲν προσηκόντων αὐτῷ, πλὴν εἰ συγγενεῖς ὑπολαμβάνειν φησὶ τοὺς μισθουμένους αὐτόν.

- 68 'Ὡς τοίνυν οὐδ' ἐπιτήδειον νόμον ὑμῖν οὐδὲ συμφέροντ' εἰσενήνοχε, τοῦτ' ἤδη πειράσομαι νυνὶ δεικνύειν. οἶμαι δὴ πάντας<sup>x</sup> ἂν<sup>y</sup> ὑμᾶς ὁμολογήσαι δεῖν τὸν

<sup>x</sup> οἶμαι ἅπαντας Z Bekk. οἶμαι δὴ πάντας Bens.

<sup>y</sup> ἂν om. Z cum Σ.

συγγενείας ἀναγκαῖα, 'the strong ties of kindred,' I. Steph. p. 1118 § 54: and Lechar. p. 1088 § 26 τὴν ἀναγκαιοτάτην συγγένειαν εἰχομεν, ὄντες ἀνεψιαδοὶ ἐκείνῳ. This last passage is a good illustration of the clannishness of ancient life: 'second cousins' are spoken of as 'very near relations.'

αὐτῷ...αὐτῷ...αὐτόν] Shilleto's rule (Preface to F. L.) to write αὐτῷ whenever the pronoun refers either to the primary or secondary subject, would require the reflexive form throughout this passage. Benseler somewhat inconsistently writes ἀναγκαίων αὐτῷ, but προσηκόντων αὐτῷ and τοὺς μισθουμένους αὐτόν: there can be no possible distinction here, and the reflexive would be best in all three cases.

§§ 68—107. Proof that the law of Timocrates is bad in itself—improper and inexpedient. This argument is first stated briefly in the next four sections, then worked out in detail.

§§ 68—71. *The requirements of a good law are that it should (1) be drawn simply and intelligibly, (2) should not prescribe impossibilities, (3) should allow no indulgence to wrong-doers. If it is a feature of a popular*

*government that the laws should be lenient, that can only mean that they should be lenient to those about to be tried, not to those who have been convicted. Judged by this test, T's law offends on every point, and is bad from beginning to end.*

§ 68. δεικνύειν] § 66 n. It would take a good deal to persuade one that Demosth. could have written ΝΤΝΙ δεικΝΤΝΑΙ.

οἶμαι δὴ πάντας ἂν ὑμᾶς] See the various readings; οἶμαι is again as in § 53 the tacit correction of Dindorf. I prefer οἶμαι δὴ πάντας to οἶμαι ἅπαντας; the insertion of δὴ has in its favour, as Benseler remarks, the hiatus, the Scholiast, and the usage of Isocrates in similar passages, e.g. Antid. § 79 οἶμαι δὴ πάντας ἂν ὁμολογήσαι. The Zurich editors in striking out ἂν have carried deference to Σ much too far: it is clear that the transcribers of this and some other MSS. omitted ἂν as unnecessary, because they hastily concluded that ὁμολογήσαι went with δεῖν. Of course the real construction is δεῖν γεγράφθαι: 'I think, then (δὴ), that you will admit that a law ought to be drawn' &c. Madvig *Advers. Crit.* i. 174 n. reads ὁμολογήσειν, accepting the

ὀρθῶς ἔχοντα νόμον καὶ συνοίσειν μέλλοντα τῷ  
 πλήθει πρῶτον μὲν ἀπλῶς καὶ πᾶσι γνωρίμως γε-  
 γράφθαι, καὶ μὴ τῷ μὲν εἶναι ταυτὶ περὶ αὐτοῦ νομί-  
 ζειν, τῷ δὲ ταυτί. ἔπειτ' εἶναι δυνατὰς τὰς πράξεις,  
 αἷς δεῖ γίγνεσθαι διὰ τοῦ νόμου· εἰ γὰρ αὖ καλῶς μὲν  
 ἔχοι, μὴ δυνατὸν δέ τι φράζοι, εὐχῆς, οὐ νόμου δια-  
 69 πρᾶττοιτ' ἂν ἔργον. πρὸς δὲ τούτοις μηδενὶ τῶν  
 ἀδικούντων φαίνεσθαι μηδεμίαν διδόντα ῥαστώνην.  
 εἰ γὰρ δημοτικόν τις ὑπέιληφε τὸ πρᾶους εἶναι τοὺς  
 νόμους. τίσι τούτοις προσεξεταζέτω, κἄνπερ ὀρθῶς  
 βούληται σκοπεῖν, εὐρήσει τοῖς κρίνεσθαι μέλλουσιν,  
 οὐ τοῖς ἐξεληλεγμένοις· ἐν μὲν γὰρ τοῖς ἄδηλον εἴ  
 τις ἔστ' ἀδίκως διαβεβλημένος, τοῖς δὲ οὐδὲ λόγος  
 70 λείπεται τὸ μὴ οὐ πονηροῖς εἶναι. τούτων τοίνυν ὧν  
 ἀεξελέλυσθ' ἐγὼ νῦν οὐδ' ὅτιοῦν οὗτος ἔχων ὁ νόμος  
 φανήσεται, τάναντία δ' ἐξῆς πάντα. πολλαχόθεν  
 μὲν οὖν ἂν τις ἔχοι τοῦτο διδάσκειν, μάλιστα δὲ τὸν 723  
 νόμον αὐτὸν ὃν τέθεικε διεξιῶν. ἔστι γὰρ οὐ τὸ μὲν

omission of *ἂν*. But why not let well alone?

*πᾶσι γνωρίμως*] Editions before Bekker read with most MSS. *πᾶσιν ὁμοίως γνωρίμως*. Here the authority of Σ has been rightly followed in rejecting an interpolation. Cf. Androt. § 13 n.

*καὶ μὴ τῷ μὲν εἶναι*] 'it should be impossible for one man to put this construction upon it, and another that.' K.

*διαπράττοιτ' ἂν ἔργον*] 'it would be trying to do the work.' *διαπράττεσθαι* is a favourite word with Demosthenes: the active seems unknown to Attic prose.

§ 69. *ῥαστώνην*] 'indulgence, alleviation.' So de Cor. p. 301 § 219 of the shifty tactics of the orators *ὑπέλειπε γὰρ αὐτῶν ἔκα-*

*στος ἅμα μὲν ῥαστώνην, ἅμα δ', εἴ τι γένοιτ', ἀναφοράν*: 'tried to leave himself some way of lightening his labours and some resource in difficulties.'

*δημοτικόν*] §§ 34, 59.

*τίσι τούτοις προσεξεταζέτω*] 'let him further inquire to whom' the laws are to be lenient: or 'in whose case,' 'beiwem' Benseler; *τίνες οὗτοι οἱ πρᾶοι εἰσίν*, G. H. Schaefer.

§ 70. *τάναντία δ' ἐξῆς πάντα*] 'the opposite in every particular.' *ἐξῆς*, 'in order,' refers to the detailed proofs that not one of the qualities of a good law will be found in it.

*πολλαχόθεν*] = *πολλαχῇ*, from many points of view, and so in many ways, 'auf vielfacher Art.'

αὐτοῦ καλῶς κείμενον, τὸ δὲ ἡμαρτημένον, ἀλλ' ὅλος  
 ἐξ ἀρχῆς, ἀπὸ τῆς πρώτης συλλαβῆς μέχρι τῆς τελευ-  
 71 ταίας, ἐφ' ὑμῖν κεῖται. λαβὲ δ' αὐτοῖς τὴν γραφὴν  
 αὐτήν, καὶ μέχρι τοῦ πρώτου μέρους ἀνάγνωθι τὸν  
 νόμον· ῥᾶστα γὰρ οὕτως ἐγὼ τε διδάξω καὶ ὑμεῖς  
 μαθήσεσθ' ἃ λέγω.

### ΝΟΜΟΣ.

[Ἐπὶ τῆς Πανδιονίδος πρώτης πρυτανείας δω-  
 δεκάτῃ<sup>2</sup>, τῶν προέδρων ἐπεψήφισεν Ἀριστοκλῆς  
 Μυρρινούσιος, Τιμοκράτης εἶπε, καὶ εἴ τιτι τῶν ὀφει-  
 λόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ  
 κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῇ, εἶναι  
 αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι.]

<sup>2</sup> δωδεκάτῃ om. Bens. τῆς πρυτανείας add. Bl.

ἐφ' ὑμῖν κεῖται] 'it is directed  
 against you, to your disadvan-  
 tage;' as in Aristoer. p. 665  
 § 137: a rather rare usage.  
 Joined to a dative of the per-  
 son ἐπὶ means mostly 'in the  
 power of,' as ἐφ' ὑμῖν § 25, some-  
 times 'applying to,' as ἐπὶ πᾶσι  
 τὸν αὐτὸν § 18; otherwise 'with  
 a view to,' as ἐπὶ κακῷ, or 'on  
 condition of' anything, as ἐπὶ  
 τούτῳ, ἐφ' ᾧ. Cf. Jelf, *Synt.*  
 § 634.

§ 71. λαβὲ δ' αὐτοῖς τὴν γρα-  
 φήν] For αὐτοῖς see § 27 n. τὴν  
 γραφὴν is simply 'the docu-  
 ment' (handing it)=τὸν νόμον:  
 not as K. 'the indictment.'

πρώτης πρυτανείας δωδεκάτῃ]  
 In §§ 27, 39 πρώτης, ἐνδεκάτῃ  
 (δωδεκάτῃ) τῆς πρυτανείας: where  
 see the notes.

τῶν προέδρων... Μυρρινούσιος]  
 This clause is added here: the  
 rest of the 'law' is copied ex-  
 actly from § 39. As the deme  
 Μυρρινούς was of the presiding  
 tribe Pandionis, and the proedri

belonged to the nine non-pre-  
 siding tribes (§ 21 n.), Meier in-  
 geniously conjectured that we  
 ought to read ἐκ Μυρρινούττης,  
 Μυρρινούττα being a deme of  
 the tribe Aegeis. (It is worth no-  
 ticing that Μυρρινούττα, equally  
 with Μυρρινούς, would naturally  
 form Μυρρινούσιος as its demotic  
 name: hence for the sake of  
 distinction ἐκ Μυρρινούττης was  
 used, as ἐκ Κεραμέων, of Κερα-  
 μεῖς or Κεραμεικός, to prevent  
 confusion with κεραμεύς a pot-  
 ter.) For Proedri in a court of  
 Nomothetae, see § 33 n.

Supposing that he was right  
 in giving the form of a Pse-  
 phisma in the Ecclesia, the  
 law-compiler has at least hit  
 upon the correct form for the  
 date of this speech. Examples  
 both of the earlier and later  
 model are given in *Dict. Antig.*  
 art. Ecclesia, i. 701 b: and the  
 earliest inscription in Boeckh,  
 in which the latter is followed,  
 is of B.C. 355.



72 Ἐπίσχεσ· αὐτίκα γὰρ καθ' ἕκαστον ἀναγνώσει<sup>a</sup>.  
 τουτὶ πάντων, ὃ ἄνδρες δικασταί, τῶν γεγραμμένων  
 ἐν τῷ νόμῳ σχεδόν ἐστι δεινότατον. οἶμαι γὰρ οὐδ' ἂν  
 εὔ<sup>b</sup> ἄνθρωπον<sup>c</sup> ἄλλον τολμῆσαι, νόμον εἰσφέροντ' ἐπὶ

<sup>a</sup> ἀναγνώση Z Bl. cum libris praeter Ω, ἀναγνωσθῇ Bens.

<sup>b</sup> οὐδένα Z, οὐδ' ἔν' Bens.

<sup>c</sup> ἀνθρώπων Bekk. Bl. ἄνθρωπον cett.

§§ 72—76. Mischievous effects of a law which reopens cases already decided, and so introduces uncertainty into the working of the judicial system. *What should we think of a man who, after suffering the defendant's law to be confirmed, should propose a decree, not only that no one should be bailed out in future, but that those who had put in bail according to that law should be deprived of the benefit of their bail? Now in reality retrospective remission of punishment is just as bad as retrospective penal legislation (72—74). What is the distinctive principle that makes constitutional government differ from oligarchy? The supremacy of law, not of individual wills. But the defendant, legislating while our state is still democratic, gives his own will a force above the verdicts of juries (75, 76).*

§ 72. ἀναγνώσει] We should rather expect ἀναγνώσεται: the speaker as a rule addresses the clerk only with the formal order to 'read' or 'stop reading,' and any explanatory remarks are usually made to the court. As a matter of fact this law is read no further by the clerk, but is quoted clause by clause and analysed by the orator himself. Schaefer's explanation, that the orator carried away by the current of his ideas (*fervore dicendi abreptus*) forgets himself, is ge-

nerally accepted. It does not satisfy Benseler, who writes from his own conjecture ἀναγνωσθῇ: a use of the subjunctive which I confess myself unable to explain.

οἶμαι γὰρ οὐδ' ἂν ἐν' ἄνθρωπον ἄλλον] There is considerable variety of reading here. Dindorf alone writes on principle οἶμαι for οἶομαι (§§ 53, 68): Bekker's ἀνθρώπων rests on a single MS. 'correctus F.' For οὐδένα of the best MSS. most recent editors introduce the more emphatic form: but Benseler as the author of a treatise on hiatus writes οὐδ' ἔν' ἄνθρωπον. Once for all, it may be as well to state that Demosth. does not avoid hiatus with the pedantic care of an Isocrates: as Prof. Jebb puts it, 'he knew how to hit the mean' (*Att. Or.* ii. 67). The very rare exceptions in Isocrates are enumerated in Sandys' note on Paneg. § 143.

I notice that five MSS. (not Σ) read *μηδένα*, in order to remark that after verbs of thinking the negative is almost invariably *οὐ*. This point is touched upon in my note on Plat. Protag. 317 A, where, however, as in most grammars, it is not put strongly enough (Madvig, *Synt.* § 205, Jelf, *Synt.* § 745).

τολμῆσαι] 'ever dared,' rather than as K. 'would dare,' which would require ἂν.

τῷ χρῆσθαι τοὺς πολίτας αὐτῷ, τὰς κατὰ τοὺς πρότερον κυρίους νόμους κρίσεις γεγενημένας ἐπιχειρήσαι λύειν. τοῦτο τοίνυν οὕτοσὶ Τιμοκράτης ἀναιδῶς καὶ οὐδ' ἀποκρυψάμενος πεποίηκε, γράψας διαρρήδην “καὶ εἴ τιτι τῶν ὀφειλόντων τῷ δημοσίῳ προστείνεται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν 73 πὸν προστιμηθῇ.” περὶ μὲν δὴ τῶν μελλόντων εἴ τι δίκαιον ἔπεισεν ὑμᾶς, οὐκ ἂν ἡδίκηει· περὶ δ' ὧν δικαστήριον ἔγνωκε καὶ τέλος ἔσχηκε, πῶς οὐ δεινὰ ποιεῖ 724

οὐδ' ἀποκρυψάμενος] ‘not even disguising it: without so much as an attempt at concealment.’ ἀποκρύπτεσθαι is far more common than the active forms: in II. Aphob. p. 836 § 3 we find οὐκ ἀποέκρυπται in the transitive sense.

§ 73. ἔπεισεν...ἡδίκηει] In these conditional sentences, the aor. ind. refers to past time, the imperf. to present: ‘if he had persuaded you to a just course with respect to future cases, he would not (now) be in the wrong.’

καὶ τέλος ἔσχηκε] The full construction here would be περὶ τούτων α̃ (acc.) δικαστήριον ἔγνωκε καὶ α̃ (nom.) τέλος ἔσχηκε. This is not, therefore, simply an instance of the rather rare attraction of the nominative: but after the usual attraction of the acc. another relative has to be supplied in the nom. case. Examples of the attracted nominative are discussed in Jelf, *Synt.* § 822, obs. 4, and in Cope on Arist. *Rhet.* I. 5 § 11 διὰ τὸ μηδὲν ἔχειν ὧν τὸ γήρας λωβᾶται. Thus Herod. I. 78 οὐδὲν κω εἰδότες τῶν ἦν περὶ Σάρδεις τε καὶ αὐτὸν Κροῖσον. Instances of attraction, if at all exceptional, require careful discrimination

in order to classify them aright. Each of the above-quoted authorities gives corrected explanations of doubtful or misunderstood passages: neither has entirely escaped error himself. Jelf cites as an attracted nominative Xen. *Hell.* I. 2 § 1 τῷ δ' ἄλλῳ ἔτει ᾧ ἦν Ὀλυμπιάς: but he omits the following words, ἣ προστεθείσα ξυνωρίς ἐνίκα Εὐαγόρου Ἡλείου. It is clear that Ὀλυμπιάς is not Olympic year or Olympiad, but Olympic games: and the meaning is, “the new year, in which was the 93rd Olympic contest, wherein the ‘additional’ or ‘extra’ chariot of Evagoras was victorious:” the sense of προστεθείσα here is not given by the lexicons. Cope also instances Plat. *Protag.* 334 c ἐν τούτοις οἷς μέλλει ἔδεσθαι as if ἔδεσθαι were passive, ‘things which are going to be eaten:’ what is really noticeable is the transition from the plural to the singular, the subject of μέλλει being supplied from τοῖς ἀσθενοῦσιν above. These passages seem to me instructive enough to be worth putting in their true light, though at the cost of a slight digression.

νόμον εἰσφέρων δι' οὗ ταῦτα λυθήσεται; ὥσπερ ἂν εἴ τις ἐάσας κύριον τὸν τούτου γενέσθαι νόμον γράψειεν ἕτερον τοιότιδε "καὶ εἴ τινες, ὥφληκότες χρήματα καὶ δεσμοῦ προστετιμημένον αὐτοῖς, ἐγγυητὰς κατέστησαν κατὰ τὸν νόμον, μὴ εἶναι τὴν διεγγύησιν αὐτοῖς, μηδὲ τὸ λοιπὸν ἐξεγγυᾶν μηδένα." 74 ἄλλ' οὔτε ταῦτα ποιήσειεν ἂν οὐδεὶς ὑγιαίνων, οἶμαι, σύ τ' ἐκείνα λύω; ἡδίκηεις, χρῆν γὰρ αὐτόν, εἰ τὸ πρᾶγμ' ἐνόμιζε δίκαιον, ἐπὶ τοῖς ὕστερον γενησομένοις θεῖναι τὸν νόμον, καὶ μὴ συνενεγκόντ' εἰς ταὐτὸ τὰ μέλλοντα τοῖς παρεληλυθόσι καὶ τὰ μὴ δῆλα τοῖς

ὥφληκότες ... προστετιμημένον αὐτοῖς] 'having been adjudged debtors (Androt. § 34 n.) and had the further penalty of imprisonment (in addition to paying the debt, § 2 n.) pronounced against them.'

διεγγύησιν ... ἐξεγγυᾶν] The various derivatives from ἐγγύη are discussed in Meier and Schoemann, *Att. Process* p. 521 (= 710 Lipsius); διεγγύησις, it is remarked, is much the same as ἐξεγγύησις (§ 77). 'Ἐξεγγυᾶν is 'to bail out, release on bail:' κατεγγυᾶν 'to hold to bail.' For διεγγύησιν several MSS. read ἐγγύησιν, which G. H. Schaefer preferred but no editor has adopted; indeed the simple form ἐγγύησις seems to occur only in the sense of 'betrothal,' for which see Schoemann, *Antiq.* p. 356, Androt. § 53 n.

§ 74. ὑγιαίνων] Here 'sane' opposed to *μαίνόμενος*. More usually = *εὖ φρονῶν*, of good sense or right judgment, as in *Fuls. Leg.* p. 434 § 289 = 331 οὐδὲ φοβεῖ με Φίλιππος, ἂν τὰ παρ' ὑμῶν ὑγιαίνῃ. In the Speech on the Chersonese p. 98 § 36 the orator plays on the two

senses of physical and mental health: ὑμῶν οἴκοι μενόντων, σχολὴν ἀγόντων, ὑγιαίνοντων (εἰ δὴ τοὺς τὰ τοιαῦτα ποιούντας ὑγιαίνειν φήσαιεν). Unless I am mistaken ὑγιαίνειν is not found, like ὑγιής, in a moral sense to express 'honesty' or, more often, 'dishonesty' (οὐδὲν, μηδὲν ὑγιές).

σύ...αὐτόν] Both pronouns of course refer to Timocrates: an unusually abrupt change from the direct to the oblique. 'He ought, if he thought the step a just one, to have passed his law in reference to the future: not to have mixed up future offences with the past, certain with uncertain, and then prescribe the same judgment for all.' The fallacy of this argument has already been pointed out on §§ 56—58. Modern legislation, when it has once concluded that a given penalty is too severe, feels the equity of mitigating sentences that are running their course: Demosth. argues as though any such mitigation were as bad as the rescinding of contracts, and created the same sense of insecurity. Above, § 44 n.

φανεροῖς ἀδικήμασιν εἴτ' ἐπὶ πᾶσι γράψαι τὴν αὐτὴν γνώμην. πῶς γὰρ οὐ δεινὸν τῶν αὐτῶν ἡξιοκέναι δικαίων τοὺς ἐξελληλεγμένους ἀδικούντας τὴν πόλιν πρότερον καὶ τοὺς μηδ' εἰ κρίσεως ἄξιον ἐργάσονται τι δήλους;

- 75 Καὶ μὴν κακέϊθεν ἴδοι τις ἂν ὡς δεινὸν πεποίηκε τὸ θεῖναι περὶ τῶν παρεληλυθότων τὸν νόμον, εἰ λογίσαιτο παρ' αὐτῷ τί ποτ' ἐστὶν ὃ νόμος ὀλιγαρχίας διαφέρει, καὶ τί δὴ ποθ' οἱ μὲν ὑπὸ νόμων ἐθέλοντες ἄρχεσθαι σώφρονες καὶ χρηστοὶ<sup>1</sup> νομίζονται, οἱ δ' ὑπὸ τῶν ὀλιγαρχιῶν ἄνανδροι καὶ δοῦλοι. εὖροι γὰρ ἂν ὡς ἀληθῶς τοῦτο προχειρότατον, ὅτι τῶν μὲν ἐν

<sup>1</sup> πολῖται add. Z Bens. [πολίται] Bekk.

δικαίων] 'rights,' rather than as K. 'measure of justice.' The orator would not argue that they ought to have less than justice. But he introduces a further paralogism in order to magnify the guilt of Timocrates. On the one side he sets 'those who have been previously convicted of crimes against the state,' on the other, 'persons of whom it is not yet known whether they will ever do anything worthy of trial,' when they are, *ex hypothesi*, in process of being tried, though not yet convicted. Demosth. has really a good case in this speech, and he does not improve it by the unfair points he tries to make.

§ 75. ὡς δεινὸν πεποίηκε] 'what a monstrous thing he has done in giving his (τὸν) law a retrospective action.'

νόμος ὀλιγαρχίας διαφέρει] Jerome Wolf, followed by Taylor, wanted to read δῆμος instead of νόμος, correctly no doubt as regards the sense, but with a strange want of perception of

Demosthenes' mode of approaching a jury. In this and the next section, ὀλιγαρχία is three times opposed to νόμος or νόμοι, once to ἐν δημοκρατουμένη τῇ πόλει. The speaker is indirectly, but in a way likely to catch the favour of an Athenian audience, begging the question that constitutional government is not to be had outside a democracy. In Livy II. 1 the note of the republic, as distinct from the regal period, is defined as 'imperia legum potentiora quam hominum.' Demosth. further narrows the empire of law to a democratic republic.

σώφρονες καὶ χρηστοί] The two words go to make up the notion of 'law-abiding;' compare note on μέτριος, Androt. § 25. Benseler's 'verständige brave Leute,' though spirited, is not very exact. For this sense of χρηστός cf. Fals. Leg. p. 430 § 277=315, ἐφ' ἡμισείᾳ χρηστὸν 'half honest.' Above, § 53, χρηστός bears the more usual meaning of 'kind.'

ταῖς ὀλιγαρχίαις ἕκαστος καὶ τὰ πεπραγμένα λῦσαι καὶ περὶ τῶν μελλόντων ἂν ἂν αὐτῷ δοκῇ προστάξαι κύριός ἐστιν, οἱ δὲ νόμοι περὶ τῶν μελλόντων ἂν χρὴ γίγνεσθαι φράζουσι, μετὰ τοῦ πείσαι τεθέντες ὥς συνοίσουσι τοῖς χρωμένοις. Τιμοκράτης τοίνυν ἐν δημοκρατουμένῃ τῇ πόλει νομοθετῶν τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν εἰς τὸν αὐτοῦ νόμον μετήνεγκε, καὶ 725

§ 76. ἕκαστος...κύριός ἐστιν] 'every man has the right;' with a tacit reference to the claims of 'might.' Kennedy's note here shows a clear perception of the speaker's drift:—'That is, there is no law to prevent him. What the orator says is not to be understood (as Schaefer thinks) of the rulers only. Every man has the right, if he can only enforce it. By putting it in this way the orator makes the contrast between oligarchy and democracy the more striking. In the former there is no law, and therefore no security either for the past or the future.'

Athens was no doubt the best governed state in Greece, and the most on its guard against oligarchical insolence: yet the examples of Alcibiades, Midias, and Conon (in Demosth. Or. 54) show the spirit of wild self-assertion which was ever ready to break out. The conduct of the French nobility, towards their inferiors and among themselves, till quelled by the 'Grands Jours' in the early part of Louis XIV.'s reign, affords a more modern instance. The characters of Rodrigo and the Innominato, in Manzoni's *Promessi Sposi*, show that even the foreign despotism of Spain failed to check the 'prepotenza' of the Lombard nobles in the seventeenth century. The upper

classes of England in the last century were perhaps equally insensible to any public opinion but that of their own order (Trevelyan's 'Early Life of Fox,' *passim*): but they belonged to a more law-abiding race.

μετὰ τοῦ πείσαι] 'being enacted on condition of persuading the people that they will benefit those who live under them.' It is easy to supply the object of πείσαι from τοῖς χρωμένοις: in a free country the legislators are identical with οἱ χρώμενοι, and no law can be carried without persuading them: hence μετὰ, 'with,' expresses the inseparable condition of all legislation. Kennedy's 'under the persuasion' is rather misleading.

ἐν δημοκρατουμένῃ τῇ πόλει] Not 'in a democratical state,' but 'while the state is constitutionally governed,' § 56 n.

τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν] As the opposite of ἐν δημοκρ. τῇ πόλει this may mean (1) definitely, 'the injustice inherited from oligarchic times,' or (2) generalising the article, 'the iniquity naturally resulting from oligarchies,' 'die Uebelstände aus Oligarchien' Benseler, or (3) by a common Greek idiom be equivalent to ἐν τῇ ὀλιγαρχίᾳ (G. H. Schaefer). The first of these seems best suited to the context.



περὶ τῶν παρεληλυθότων αὐτὸν κυριώτερον τῶν καταγνόντων δικαστῶν ἡξίωσε ποιῆσαι.

- 77 Καὶ οὐ τοῦτο μόνον πεποίηκεν ὑβριστικόν, ἀλλὰ καὶ γέγραπται, ἢ τὸ λοιπὸν εἴν τιμι προστιμηθῇ δεσμοῦ, εἶναι καταστήσαντι τοὺς ἐγγυητάς, ἢ μὴν ἐκτείσειν, ἀφείσθαι. καίτοι χρῆν αὐτόν, εἰ τὸ δεδέσθαι δεινὸν ἡγεῖτο, μηδενὶ προστιμᾶν ὅς ἂν ὑμῖν ἐγγυητάς καθιστῇ δεσμοῦ νομοθετῆσαι, μὴ προλαβόντα κατεγνωκότας ὑμᾶς τὸν δεσμὸν μηδ' ἐχθρῶς διατεθέντα πρὸς ὑμᾶς τὸν ἡλωκότα τηνικαῦτα ποιεῖν

§§ 77, 78. A further element of uncertainty introduced by the defendant's law, and a further proof of his insolence. *Not only will causes already decided be thrown into confusion, but in future no one will know whether the verdict of a jury may not be set aside by the mere vote of persons not on their oath. If you, the jury, think that effect ought to be given to your verdicts, you must refuse your sanction to this law.*

§ 77. γέγραπται] This, the reading of the best MSS., is now universally accepted. The sense is of course passive, 'a clause is inserted.' The other reading γέγραφεν is evidently a correction in order to avoid the change of the subject.

μηδενὶ ... νομοθετῆσαι] The meaning is plain, but the order of these words more involved than is usual with Demosthenes: χρῆν...νομοθετῆσαι μηδενὶ προστιμᾶν δεσμοῦ, 'he ought to have carried a law to sentence no one to imprisonment as a further penalty,' i.e. to abolish imprisonment in the case of those who put in bail.

μὴ προλαβόντα] μὴ, according

to a frequent usage of ἀλλ' οὐ, καὶ οὐ, ἀλλὰ μὴ, καὶ μὴ, marks the divergence of two alternatives, and may be translated 'instead of.' The past participle followed by an adverb (usually εἶτα, here τηνικαῦτα) like Lat. *tum demum*, expresses a sharp contrast of time, 'then, and not before.' We may translate, then, 'instead of waiting till you had passed the sentence of imprisonment, and till the person convicted had become irritated against you, and afterwards bailing out the accused.' It is invidiously argued that Timocrates, whose real motive was simply to get his friends out of a scrape, had deliberately brought on his motion in a form calculated to annoy and humiliate the Athenian people by ostentatiously reversing their decrees, and to make as much mischief as possible by the ungracious way in which relief was granted.

ἡλωκότα] The question between the forms ἡλωκα and ἐάλωκα is better left to the MSS. rather than, as by Dindorf, reduced to a uniform rule. In the present speech MSS. and

τὴν ἐξεργήσιν. νυνὶ δ', ὥσπερ ἐνδεικνύμενος ὅτι, καὶ ὑμῖν δοκῇ δεδέσθαι τινά, αὐτὸς ἀφήσει, τοῦτον  
 78 τὸν τρόπον τὸν νόμον εἰσήνεγκεν. ἄρ' οὖν τῷ δοκεῖ  
 συμφέρειν τῇ πόλει τοιοῦτος νόμος ὃς δικαστηρίου  
 γνώσεως αὐτὸς κυριώτερος ἔσται καὶ τὰς ὑπὸ τῶν  
 ὁμωμοκότων γνώσεις τοῖς ἀνωμότοις προστάξει λύειν;  
 ἐγὼ μὲν οὐκ οἶμαι. φαίνεται τοίνυν ὁ τούτου νόμος  
 ταῦτ' ἔχων ἀμφότερα. ὥστ' εἴπερ ὑμῶν ἐκάστω  
 μέλει τι τῆς πολιτείας καὶ δεῖν οἴεται κυρίαν εἶναι

editors give without variation ἤλωκα here and §§ 84, 105, ἐάλωκα §§ 112, 137: Dindorf alone corrects the two latter passages. In some places the MSS. vary, or show corrections: e.g. Fals. Leg. p. 397 § 179=198. Veitch s.v. ἀλί-σκομαι affords ample materials for judging of the general Attic usage. In Demosthenes, according to Bekker and the Zurich Editors, who follow the MSS., ἐάλωκα occurs more frequently in the proportion of about eighteen times to eight: in the other Orators the same form prevails exclusively. When to this is added the fact, that Thucydides and Plato write uniformly ἐάλωκα, it is irrational to argue that ἤλωκα 'belongs to the stricter Atticism.' Veitch well remarks that 'we find it most frequently in those authors that are least shy of an Ionic or a common form,' instancing Herodotus and Xenophon. The latter uses both forms indiscriminately in the same work, the Cyropaedia, and thus contributes nothing towards the solution of the question.

While on the subject of ἀλί-σκομαι I may be allowed to express my surprise that no notice

has been taken of the singularity of the long  $\bar{a}$  in Aristoph.

Vesp. 355 ὅτε Νάξος ἐάλω. Other examples in verse show everywhere  $\bar{a}$ : and rather than believe, on the strength of this one passage, that the vowel is really common, I think it much more probable that Aristophanes for once allowed himself to write ἐάλω, as it is now admitted he wrote κυνοκεφάλῳ in Eq. 416.

τηνικαῦτα] ἡνίκα, πηνίκα; τη-νίκα are not simply 'when' and 'then' of time in general, but strictly of the time of day only. In Plato τηνικάδε is 'so early,' Protag. 310 B, Crito 43 A: and τηνικαῦτα here might very well be rendered by the familiar English 'at that time of day,' preserving the figurative expression.

§ 78. φαίνεται...ἀμφότερα] 'Both these consequences, it is plain, are involved in the defendant's law,' K. rightly. Cf. Androt. § 21 n.

εἴπερ ὑμῶν ἐκάστω μέλει τι] 'If, as I assume to be the fact, each one of you has some regard for the constitution.' The force of εἴπερ is well pointed out by R. W.

§§ 79—101. Effects of the law of Timocrates on the fi-

τὴν αὐτοῦ γνώμην περὶ ὧν ἂν ὁμωμοκῶς ψηφίσῃται, λυτέος καὶ οὐκ ἐατέος οὗτος<sup>c</sup> ὁ τοιοῦτος νόμος κύριος νυνὶ γενέσθαι.

<sup>c</sup> *add.* οὗτος Z Bens. Bl. *cum* Σ.

nances of Athens. *It will allow the most absolute impunity to defaulters (§§ 79—90): in time of war it will render prompt military action, for which ready money is the first requisite, impossible, and so endanger both the glory and the safety of the state (§§ 91—95): even in time of peace it will induce national bankruptcy (§§ 96—101).* These three heads are again briefly summarized in § 102, (i) τοῖς ἀδικοῦσι τὰ κοινὰ δίδωσιν ἄδειαν, (ii) τὰς ὑπὲρ τῆς πόλεως στρατίας λυμαίνεται, (iii) τὴν διόλησιν καταλύει.

The frequent captiousness of the speaker's arguments has been already noticed (§§ 56, 74): and several passages in these sections seem, at first sight, not merely uncandid but nonsensical. We can scarcely imagine the lowest of Old Bailey advocates or the most foolish of platform orators resorting to such transparent fallacies as that of § 85, that by putting up a succession of 'men of straw' the debtor might escape without either paying or going to prison: or that of § 88, that because the law of Timocrates has provided no penalty for not offering bail, therefore a man has only to omit doing so to escape scot-free. But Demosthenes knew his audience: and he is here approaching the Athenians on their weak side. He appeals not merely to their chronic hunger for fines and forfeitures, now at its height

owing to the impoverished state of the exchequer (cf. Androt. § 48 *n.*), but to their furious jealousy of being overreached, which was by no means incompatible with the secret resolve of each man to defraud the state if he could (Androt. § 48, last note. Below, § 193). The mental attitude of modern Italians towards the tax-gatherer has been defined by a close observer among their own countrymen, Mr Gallenga, as 'Only fools pay.' The Athenian shared this feeling: and while he read his neighbour's heart in his own, determined that the gratification of it should, so far as possible, be confined to himself. (On the low standard of honesty among the Greeks, see Mahaffy's *Social Life in Greece*, p. 122 ff. (ed. 3): on the unscrupulousness of the Athenian Demos as to the ways and means of replenishing the treasury, p. 399 *n.*, where a strong passage of Lysias, c. Nicom. § 22, is quoted.)

A comparison of the earlier with the later speeches will, I think, support the conclusion that Demosth. outgrew this temptation to practise on the gullibility of an Athenian jury and try how much they would swallow. The most glaring examples of unfairness occur in these two speeches belonging to an early stage of his career. At thirty he had almost fully matured the powers which had been called into such precocious

- 79 Οὐ τοίνυν ἀπέχρησεν αὐτῷ τὰ δικαστήρι' ἄκυρα ποιῆσαι τῶν προστιμημάτων, ἀλλ' οὐδ' ἂ δίκαι' ὠρίσας τ' αὐτὸς ἐν τῷ νόμῳ καὶ προσέταξε τοῖς ὠφληκόσιν, οὐδὲ ταῦθ' ἀπλῶς οὐδὲ ἀδόλως φανήσεται γεγραφός, ἀλλ' ὥς ἂν μάλιστα τις ὑμᾶς ἐξαπατῆσαι καὶ παρακρούσασθαι βουλόμενος. σκέψασθε γὰρ ὥς γέγραφεν. Τιμοκράτης εἶπε, φησί, καὶ εἴ τι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ 726 νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῇ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστῆσαι, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐκτείσειν. 80 ἐνθυμείσθ' ἀπὸ τοῦ δικαστηρίου καὶ τῆς καταγνώσεως οἱ διεπῆδησεν. ἐπὶ τὸν δῆμον, ἐκκλέπτων τὸν ἡδικοκῶτα καὶ τὴν παράδοσιν αὐτοῦ τὴν τοῖς ἑνδεκα. τίς γὰρ ἀρχὴ παραδώσει τὸν ὀφλόντα; τίς [τῶν ἑνδεκα]\* παραλήψεται; κελεύοντος μὲν τοῦ

\* *uncis incl. Bl.*

exercise in his actions against his guardians: at a later period, together with a mellowed ripeness of intellect, we seem to discern a higher sense of self-respect, at least as regards the utterance of transparent fallacies. In the license of invective pushed to the extreme of bad taste, his greatest speeches, the Embassy and the Crown, are unfortunately the worst offenders. That he could have been here deceived by his own argument is not to be thought of: like his enemy Midias, though in another way, he 'indulges in youthful insolence' (*νεανιεύεται*, p. 520 § 18, p. 536 § 69).

§§ 79—81. *Timocrates provides that the state debtor sentenced to imprisonment may put in such bail as the people shall approve: thereby ruinously un-*

*dermining the jurisdiction of the courts. And as he nowhere directs the debtor to be imprisoned until he has put in his bail, it is clear that his only object was to ensure the escape of criminals condemned in due course of law.*

§ 79. ὥς ἂν...βουλόμενος] i.e. ὥς ἂν γράφοι τις...βουλόμενος, 'as one would draw them who wished to deceive and defraud you as much as possible.'

εἰ...προστετίμηται...ἢ...προστιμηθῇ] §§ 39 n., 93.

§ 80. ἐκκλέπτων] 'stealing away the guilty party'—'rescuing him by stealth'—'and preventing his delivery to the Eleven.' As R. W. remarks, it is almost impossible to express ἐκκλέπτων by one word as applied to both its objects, ἡδικοκῶτα and παράδοσιν.

- νόμου<sup>†</sup> τούτου ἐν τῷ δήμῳ καθιστάναι τοὺς ἐγγυητάς, ἀδυνάτου δ' ὄντος αὐθημερὸν ἐκκλησίαν ἅμα καὶ δικαστήριον γενέσθαι, οὐδαμοῦ δ' ἐπιτάττοντος φυ-  
 81 λάττειν ἕως<sup>ε</sup> ἂν καταστήσῃ τοὺς ἐγγυητάς. καίτοι τί ποτ' ἦν δι' ὃ προσγράψαι σαφῶς ὥκνησε "τὴν δ' ἀρχὴν τὸν ὀφλόντα φυλάττειν ἕως ἂν καταστήσῃ τοὺς ἐγγυητάς;" πότερ' οὐχὶ δίκαιον; εὖ οἶδ' ὅτι πάντες ἂν φήσαιτε. ἀλλ' ἐναντίον ἦν τινὶ τοῦτο νόμῳ; οὐκ, ἀλλὰ μόνον κατὰ τοὺς νόμους. τί ποτ' οὖν ἦν; οὐδὲν ἂν ἄλλο τις εὔροι πλὴν ὅτι οὐχ ὅπως δώσουσι δίκην ὧν ἂν ὑμεῖς καταγνῶτ' ἐσκόπει, ἀλλ' ὅπως μή.
- 82 Εἵτα πῶς γέγραπται μετὰ ταῦτα; καθιστάναι τοὺς ἐγγυητάς ἢ μὴν ἐκτείσειν τὸ ἀργύριον ὃ ὥφλεν.

<sup>†</sup> τοῦ νόμου οἱ. Z Bens. Bl. cum Σ. [τούτου] Bl.

<sup>ε</sup> v. § 63. τε ὡς Σ, τε ἕως Ar s, τέως ἕως k. Ita § 81.

ἀδυνάτου δ' ὄντος] For the obvious reason that every Athenian dicast must, as a fully privileged citizen, also have a vote in the Ecclesia.

οὐδαμοῦ δ' ἐπιτάττοντος] As if bail were a new invention at Athens, and had never been heard of before the law of Timocrates! Such shallow sophistry would be almost incredible in a man of Demosthenes' intellect and character but for the reasons just alleged.

ἕως] See various readings, and compare § 63 n.

§ 81. πάντες ἂν φήσαιτε] ἂν is omitted in Dindorf's text, apparently by a printer's error. It is of course absolutely required by grammar.

μόνον κατὰ τοὺς νόμους] 'The only legal clause' in Timocrates' bill.

ὧν ἂν ὑμεῖς καταγνῶτε] The phrase διδόναι δίκην τινός is so familiar that it may be as well to point out that ὧν is masculine and refers to the subject of δώσουσι: 'that those whom you condemn should pay the penalty.'

§§ 82, 83. Another piece of treachery in the wording of his decree. *By saying the money instead of the legal penalty, and which he was sentenced to pay instead of which becomes due, he deprives the treasury of all the customary forfeitures for overdue payments, viz. twofold for civil purposes and tenfold for religious.*

§ 82. γέγραπται] § 17 n. Here of course passive: 'how is it worded?' or as K. 'how does it go on after that?'



ἐνταυθὶ πάλιν τῶν μὲν<sup>h</sup> ἱερῶν χρημάτων τὴν δεκα-  
 πλασίαν ὑφίρηται, τῶν δ' ὁσίων, ὁπόσ' ἐν τῷ<sup>i</sup> νόμῳ  
 διπλασιάζεται, τὸ ἥμισυ. πῶς δὴ τοῦτο ποιεῖ;  
 83 τοῦ τὸ γιγνόμενον, ὃ ὥφλεν. διαφέρει δὲ τί; εἰ μὲν  
 ἔγραψε καθιστάναι τοὺς ἐγγυητὰς ἢ μὴν ἐκτείσειν τὸ  
 τίμημα τὸ γιγνόμενον, προσπεριελήφει τοὺς νόμους  
 αὖν, καθ' οὓς τὰ μὲν δεκαπλᾶ, τὰ δὲ καὶ διπλᾶ γίγνε- 727  
 ται τῶν ὀφλημάτων· ὥστ' ἐκ τούτων ἦν ἀνάγκη τοῖς  
 ὀφλοῦσι τὸ γεγραμμένον τ' ἐκτίνειν καὶ τὰς ἐκ τῶν  
 νόμων προσούσας ζημίας καταβάλλειν. νῦν δ' ἐν<sup>k</sup>  
 τῷ γράψαι “τὴν κατάστασιν εἶναι τῶν ἐγγυητῶν ἢ  
 μὴν ἐκτείσειν τὸ ἀργύριον ὃ ὥφλεν” ἐκ τῆς λήξεως  
 καὶ τῶν γραμμάτων, ἐφ' οἷς ἕκαστος εἰσήχθη, ποιεῖ  
 τὴν ἔκτισιν, ἐν οἷς πᾶσιν ἀπλοῦν, ὅ τις ὥφλεν, ἀργύ-  
 ριον γέγραπται.

<sup>h</sup> μὲν om. Z Bens. cum Σ.<sup>i</sup> τῷ om. Bens. cum Σ.<sup>k</sup> νῦν δ' ἐν Z Bens. Bl. cum Σ. νῦν δὲ cett.

ἀντὶ μὲν τοῦ τιμήματος ... ὃ ὥφλεν] ‘Had the orator not been led by the love of change of construction so sought after in Greek authors, he would have written ἀντὶ μὲν τοῦ ‘τὸ τίμημα.’ Shilleto on F. L. p. 391 § 159 = 176. On this ‘love of variety’ see also Androt. § 36 n. Above, § 32 n. K. somewhat weakens the force of the passage by translating ὃ ὥφλε throughout ‘which he owed:’ it is really ‘which he was adjudged to pay,’ an ὀφλημα not an ὀφείλημα, § 39 n.

§ 83. προσπεριελήφει] §§ 44 n., 209.

τὰ μὲν δεκαπλᾶ, τὰ δὲ καὶ διπλᾶ] Explained § 111, τῶν μὲν ὁσίων τῆς διπλασίας, τῶν ἱερῶν δὲ τῆς ὀκταπλασίας.

τὸ γεγραμμένον] ‘the sum set down in the plaint or written charge,’ ἐκ τῆς λήξεως καὶ τῶν γραμμάτων ἐφ' οἷς ἕκαστος εἰσήχθη as it is explained below: opp. to τὸ γιγνόμενον, ‘that which accrues.’ In the law as it stands τὸ γεγράμμενον was likely enough, according to the practice in Athenian courts, to be construed as including τὸ γιγνόμενον: but it suits Demosth. to make the worst of every phrase in the obnoxious document.

ἐν οἷς πᾶσιν... γέγραπται] πᾶσιν refers to the customary wording of such plaints: ‘in which the simple sum for which judgment had been given is always inserted.’ So K. nearly.

- 84 Μετὰ ταῦτα τοίνυν τηλικούτο πρᾶγμ' ἀνελὼν ἐν τῇ τῶν ῥημάτων μεταθέσει προσέγραψε "τοὺς δὲ προέδρους ἐπιχειροτονεῖν ἐπάναγκες, ὅταν τις καθιστάναι βούληται," παρὰ πάντα<sup>1</sup> τὸν νόμον οἰόμενος δεῖν σφίξειν τὸν ἡδίκηκότα καὶ τὸν ἐν ὑμῖν ἡλωκότα· δούς γὰρ ὅταν βούληται τὴν κατάστασιν αὐτῷ τῶν ἐγγυητῶν, ἐπ' ἐκείνῳ πεποιήκε μηδέποτ' ἐκτεῖσαι  
85 μηδὲ δεθῆναι. τίς γὰρ οὐ ποριεῖται φαύλους ἀνθρώπους, οὓς ὅταν ὑμεῖς ἀποχειροτονήσῃτ' ἀπηλλάξε-ται<sup>m</sup>; ἐὰν γάρ τις ὡς οὐ καθιστάντα τοὺς ἐγγυητὰς ἀξιοὶ δεδέσθαι, φήσει καὶ καθιστάναι καὶ καταστή-

<sup>1</sup> παρ' ἅπαντα Z Bens. cum Σ.

<sup>m</sup> ἀπαλλάζονται Z Bens. cum ΣFv. ἀπαλλάξεται Bekk. Dind. v. not.

§§ 84, 85. *By the clause that 'the Proedri shall be bound to put the question to the vote,' he has put it in the debtor's power never to go to prison. He has only to set up 'men of straw,' and on their rejection by you to declare that he is putting in bail and means to put them in again, and so on ad infinitum.*

§ 84. τηλικούτο πρᾶγμα ἀνελὼν] 'Well then, having cleared so much out of the way by the change in the wording, he added a clause.' By writing ἀντὶ μὲν τοῦ τιμήματος τὸ ἀργύριον, &c. (§ 82) he had 'knocked off' the twofold and tenfold penalties. For the sense of ἀνελὼν cf. Androt. § 20 n.

ἐπιχειροτονεῖν ἐπάναγκες] Supposing the law to be in other respects unobjectionable, this provision might be necessary to prevent its benevolent intentions from being frustrated by personal spite. But the speaker evidently wishes his hearers to confuse it with a restriction on their right to reject the bail

tendered.

§ 85. ἀπηλλάξεται] An easy correction of Reiske's, ἀπαλλάξε-ται, has been generally adopted: most MSS. having ἀπαλλάξετε, and the confusion of ε and αι, pronounced alike in post-classical times, being perpetual. The Zurich edd. and Benseler follow Σ in reading ἀπαλλάζονται and refer it to φαύλους ἀνθρώπους: 'nothing happens to the rejected bail.' Apart from the harshness of the attraction of the nominative (for οἱ ἀπαλλάζονται) this sense appears much less suitable. Cobet *Nov. Lect.* p. 243 restores the futurum exactum ἀπηλλάξεται here and in Lept. p. 465 § 28. 'Non ἀπαλλάξεται, id est ἀπεισιν, abibit, sententia postulat, sed liberatus erit id est ἀπηλλάξεται.' This is Blass's reading, and is favoured by the perfect infinitives which follow, δεδέσθαι 'be kept in custody,' ἀφείσθαι τοῦ δεσμοῦ, 'be and remain released.' Comp. § 60 n.

σειν, καὶ δείξει τὸν τούτου νόμον, ὃς καθιστάναι μὲν ὅταν βούληται κελεύει, φυλάττειν δὲ τέως οὐ λέγει, οὐδ', ἂν ἀποχειροτονησῇθ' ὑμεῖς τοὺς ἐγγυητάς, προστάττει δεδέσθαι, ἀλλ' ὡς ἀληθῶς ὥσπερ ἀλεξιφάρμακόν ἐστι τοῖς ἀδικεῖν βουλομένοις.

- 86 Τῷ δὲ καταστήσαντι, φησί, τοὺς ἐγγυητάς, ἐὰν ἀποδιδῶ τῇ πόλει τὸ ἀργύριον ἐφ' ᾧ κατέστησε τοὺς ἐγγυητάς. ἀφεῖσθαι τοῦ δεσμοῦ". παλιν ἐνταῦθ' ἐπέμεινεν ἐπὶ τοῦ κακουργήματος ὁ μικρῷ πρότερον εἶπον. καὶ οὐκ ἐπελάθετο, οὐδ' ἔγραψε τὸ τίμημα τὸ γιγνόμενον, ἀλλὰ τὸ ἀργύριον ὃ ὤφλεν, ἐὰν ἀποδιδῶ, ἀφεῖσθαι τοῦ δεσμοῦ. 728

- 87 Ἐὰν δὲ μὴ καταβάλῃ τὰργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηται ἐπὶ τῆς ἐνάτης πρυτανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι. τῶν δ' ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. ἐν δὲ τῷ τελευταίῳ τούτῳ παντελῶς αὐτὸς αὐτοῦ κατήγορος, ὡς ἀδικεῖ, γεγωνὼς φανήσεται. οὐ γὰρ ὅλως τὸ δεδέσθαι τινὰ τῶν πολιτῶν αἰσχρὸν ἢ

" ἐφ' ᾧ—δεσμοῦ *om.* Z Bens. Bl. *cum* ΑΤΩkrs *et pr.* Σ.

φυλάττειν δὲ τέως οὐ λέγει] The absurdity of this quibble is pointed out by the old commentator Jerome Wolf. As a sound English lawyer, Kennedy observes: 'Assuming that, according to the true construction of the statute, bail might be offered more than once; still, after failing to justify bail, the party would have to go to prison in the mean time, until he found other bail.'

ἀλεξιφάρμακον] 'a sovereign remedy, antidote.' So in Plato, *Laws* xii. 957 ν, the written law is, in the eye of the judge, ἀλεξιφάρμακον τῶν ἄλλων λόγων, preserving his mind from being

biased by witnesses or counsel.

§ 86. The objection already urged in § 82 is repeated.

τῷ δὲ καταστήσαντι] For the construction of the dative, § 40 n.

ἐπέμεινεν ἐπὶ τοῦ κακουργήματος] 'persisted in the artifice,' as K. The mere repetition of the words is treated as a fresh offence.

§ 87. His proposed remedy, imprisonment after the ninth prytany, and confiscating the property of the bail, is illusory, and is meant to be. The bird will have flown.

ἐνάτης πρυτανείας] §§ 15 n., 40 n.

δεινὸν νομίσας ἀπέειπε μὴ δεῖν, ἀλλὰ τὸν καιρὸν, ἐν ᾧ τὸν ἡδίκηκός τ' ἐνῆν παρόντα λαβεῖν, ἐκκλέψας τοῦνομα μὲν<sup>ο</sup> τῆς τιμωρίας ἔλιπεν τοῖς ἀδικουμένοις ὑμῖν, τὸ δ' ἔργον ἀφείλετο. καὶ παρ' ἀκόντων ἔδωκεν ἄφεσιν τοῖς τὰ ὑμέτερ' ἀξιούσιν ἔχειν βία, καὶ μόνον οὐ προσέγραψε δίκην ἐξεῖναι λαχεῖν αὐτῷ κατὰ τῶν δικαστῶν τῶν προστιμησάντων τοῦ δεσμοῦ.

- 88 Ὁ δέ, πολλῶν ὄντων καὶ δεινῶν ὧν ἐν τῷ νόμῳ τέθεικε, μάλιστα ἄξιόν ἐστ' ἀγανακτῆσαι, βούλομαι πρὸς ὑμᾶς εἰπεῖν. δι' ὅλου γὰρ τοῦ νόμου τῷ καταστήσαντι τοὺς ἐγγυητὰς ἅπαντα λέγει, τῷ δὲ μὴ καθιστάντι μήτε βελτίους μήτε χείρους, μηδ'<sup>ρ</sup> ὅλως προσέχοντι τὸν νοῦν ὑμῖν, οὐδεμίαν οὔτε δίκην οὔτε τιμωρίαν προσγέγραφεν, ἀλλ' ἄδειαν πεποίηκε τοσαύτην ὅσην οἶόν τε γενέσθαι πλείστην. καὶ γὰρ τὸν χρό-

<sup>ο</sup> μὲν om. Z cum pr. Σ. <sup>ρ</sup> μήθ' libri. Illud e coni. Frankii.

ἀπέειπε μὴ δεῖν] 'he forbade imprisonment.' § 57 n.

τὸν καιρὸν ἐκκλέψας] 'after robbing you, cheating you out of the (only) favourable opportunity.' Cf. ἐκκλέπτων, § 80 n.

τιμωρίας] 'redress,' as K., i.e. recouping themselves (τιμωρεῖν ἑαυτοῖς) rather than punishing the offender (τιμωρεῖσθαι τὸν ἀδικοῦντα).

παρ' ἀκόντων ἔδωκεν ἄφεσιν] 'granted a discharge from you against your will:' ὑμῶν supplied from ὑμέτερα.

μόνον οὐ προσέγραψε] 'all but added a clause.' While he was about it, he might as well have done so: it would not have been much more impudent.

§§ 88—90. The orator winds up his objections under this head with a climax, the most sophistical of all. He has provided no penalty for not putting

in bail: therefore a man has only to do nothing, and take no notice of your decrees, to escape scot-free. To sum up the objections to his law, it unsettles all that has been done in the past: it gives efficacy to the verdicts of juries with one hand, and takes it away with the other: it restores the franchise to debtors who have not satisfied their obligations. It places you, the Athenian people, in a ridiculous position: Critias himself could have done no worse.

§ 88. οὔτε δίκην οὔτε τιμωρίαν] δίκην is here 'action,' 'way of bringing him to justice,' not 'penalty' as K.

ἄδειαν...πλείστην] 'has created the most complete impunity that can be' K., who adds: 'this objection is more clearly captious than the former, which fell under Wolf's animadversion.'

νον ὃν διώρισε, τὴν ἐνάτην πρυτανείαν, τῷ καταστή-  
 89 σαντι λέγει τοὺς ἐγγυητάς. γυνοίη δ' ἂν τις ἐκείθεν  
 προσέγραψε δημοσίαν εἶναι τὴν οὐσίαν τὴν τῶν ἐγ-  
 γυητῶν, ἂν μή τις ἐκτείση· τοῦ δὲ μὴ καταστήσαν-  
 τος οὐκ ἔνι δῆπουθεν ὑπάρχειν ἐγγυητάς. καὶ τοῖς  
 μὲν προέδροις, οἳ κεκληρωμένοι καθίζουσιν ἐξ ὑμῶν,  
 ἐπίναγκες ἐποίησεν, ὅταν καθιστῇ τις, δέχεσθαι τοῖς  
 δ' ἀδικοῦσι τὴν πόλιν οὐδεμίαν προσέγραφεν ἀνάγ-  
 κην, ἀλλ' ὥσπερ εὐεργέταις αἵρεσιν αὐτοῖς ἔδωκεν εἰ 729  
 χρὴ δοῦναι δίκην ἢ μὴ.

90 Καίτοι πῶς ἂν ἀσυμφωρότερος ὑμῖν τούτου γέ-  
 νοιτο νόμος ἢ κάκιον ἔχων; ὃς πρῶτον μὲν περὶ τῶν  
 ἐκ τοῦ παρεληλυθότος χρόνου κριθέντων ἐναντία τοῖς  
 ὑφ' ὑμῶν ἐγνωσμένοις προστάττει, δεύτερον δὲ περὶ  
 τῶν μελλόντων κριθήσεσθαι προστιμᾶν κελεύων τοὺς  
 δικαστὰς τοὺς ὁμωμοκότας ἄκυρα τὰ προστιμήματα  
 ποιεῖ, πρὸς δὲ τούτοις ἐπιτίμους τοὺς ὀφείλοντας οὐ  
 τὰ προσήκοντα ἐκτίνοντας καθίστησιν, ὅλως δ' ἐπι-  
 δείκνυσι μάτην ὁμνύοντας, τιμῶντας, δικάζοντας, ὀργι-  
 ζομένους, ἅπαντα ποιοῦντας ὑμᾶς. ἐγὼ μὲν γάρ, εἰ  
 Κριτίας ὁ γενόμενος τῶν τριάκοντ' εἰσέφερε τὸν νό-  
 μον, οὐκ ἂν ἄλλον τρόπον οἶμαι γράψαντ' εἰσενεγκεῖν  
 ἢ τοῦτον.

For surely a man who had never offered bail would not have the benefit of the statute of Timocrates, but would remain subject to the old law.'

§ 89. οἱ κεκληρωμένοι καθίζουσιν ἐξ ὑμῶν] 'who sit as chosen by lot from among you;' the jury (ὕμεις) are treated as a fraction of the people, as in §§ 11, 25. On the mode of nominating the *proedri* see § 21 n.

δέχεσθαι] Artfully substituted for ἐπιχειροτονεῖν (§ 84) in order

to suggest that the people's rights are being invaded.

§ 90. ἐπιδείκνυσι μάτην ὁμνύοντας] K.'s rendering of these participles is worth the attention of the student; 'exhibits you as persons whose oaths, whose assessments, whose verdicts, whose punishments, all of whose acts are ineffectual.'

ὁ γενόμενος τῶν τριάκοντα] The Thirty are named in §§ 42, 56-7, alluded to in § 76: where see notes.



- 91 "Οτι τοίνυν ὅλην συγχεῖ τὴν πολιτείαν καὶ κατα-  
 λύει πάντα τὰ πράγμαθ' ὁ νόμος, καὶ πολλὰς φιλοτι-  
 μίας περιαιρεῖται τῆς πόλεως, καὶ τοῦτο ῥαδίως ὑμᾶς  
 νομίζω μαθήσεσθαι. ἴστε γὰρ δὴ πον τοῦθ', ὅτι σῶζε-  
 ται πολλάκις ἡμῶν ἢ πόλις διὰ τὰς στρατείας καὶ  
 τὰς ναυτικάς καὶ τὰς πεζάς, καὶ πολλὰ καὶ καλὰ  
 92 τιμωρησάμενοι καὶ διαλλάξαντες. πῶς οὖν; ἀνάγκη  
 τὰ τοιαῦτα<sup>1</sup> διοικεῖν ἐστὶ διὰ ψηφισμάτων καὶ νόμων  
 τοῖς μὲν εἰσφέρειν ἐπιτάττοντας, τοὺς δὲ τριηραρχεῖν  
 κελεύοντας, τοὺς δὲ πλεῖν, τοὺς δ' ἕκαστα ποιεῖν ὦν  
 δεῖ. οὐκοῦν ταῦθ' ὅπως γίγνηται, δικαστήρια πλη-  
 ροῦτε καὶ καταγιγνώσκετε δεσμὸν τῶν ἀκοσμούντων.  
 σκέψασθε δὴ τὸν τοῦ καλοῦ κἀγαθοῦ τούτου νόμον,

<sup>1</sup> ταῦτα Bl. cum ὧν krs.

§§ 91—95. *This law deranges our whole political system, especially in time of war: and robs Athens of her most cherished distinctions. Our imperial position depends upon prompt military action, and that again upon the power of the State to enforce instant obedience to its demands, whether for personal service or war-taxes. Neither our allies, our enemies, nor the occasions of war will wait for such leisurely preparation as will alone be possible, when no one need pay anything till the last month of the year. We may think ourselves lucky, if while all goes well and we are weighted by no such absurd enactment, we are never behindhand with our enemies. The extreme penalty of the law would not be too great for the author of such a decree.*

§ 91. φιλοτιμίας] Androt. §§ 73 n., 75.

στρατείας] Many MSS., but

not the best, read *στρατιάς* as in § 93. It is a well-known rule that *στρατιά* sometimes = *στρατεία*, but *στρατεία* never = *στρατιά*. In the latter passage there does not appear to be any variety of reading.

καὶ σῶσαντές τινας] 'either in rescuing people or punishing or mediating.' K.

§ 92. διοικεῖν] 'administer, carry out,' with especial reference to financial arrangements: see § 27 n., § 93.

εἰσφέρειν] In the technical sense of property tax: Androt. § 61 n.

δικαστήρια πληροῦτε] Like *πληροῦν ναῦν* 'to man a ship,' this means 'to impanel juries,' not to fill the courts with defendants.

ἀκοσμούντων] 'refractory.' 'Widerhaarigen,' Benseler.

καλοῦ κἀγαθοῦ] Androt. § 32 n., § 47 n. — *λυμαίνεται*, §§ 95, 102.

- 93 ὥς λυμαίνεται ταῦτα καὶ διαφθείρει. γέγραπται  
γὰρ δήπου [ἐν τῷ νόμῳ αὐτοῦ], καὶ εἴ τιτι τῶν ὀφει- 730  
λόντων προστετίμηται δεσμοῦ ἢ καὶ τὸ λοιπὸν προσ-  
τιμηθῇ, εἶναι καταστήσαντι ἐγγυητάς, ἢ μὴν ἐπὶ τῆς  
ἐνάτης πρυτανείας ἐκτείσειν τὸ ἀργύριον, ἀφείσθαι  
τοῦ δεσμοῦ. τίς οὖν πόρος ἔσται; τίν' ἀποσταλή-  
σεται τρόπον ἢ στρατιά; πῶς τὰ χρήματα εἰσπράξο-  
μεν<sup>†</sup>, εἰν ἕκαστος ὀφλισκάνων<sup>‡</sup> ἐγγυητὰς καθιστῇ  
κατὰ τὸν τούτου νόμον, ἀλλὰ μὴ τὸ προσῆκον ποιῇ;  
94 ἐροῦμεν νῆ Δία τοῖς Ἑλλησι "Τιμοκράτους νόμος  
"ἐστὶ παρ' ἡμῖν ἀναμείνατ' οὖν τὴν ἐνάτην πρυτα-  
"νείαν· εἶτα τότε<sup>§</sup> ἔξιμεν." τοῦτο γὰρ λοιπόν. ἂν δ'  
ὑπὲρ ἡμῶν<sup>†</sup> αὐτῶν ἀμύνεσθαι δέη, ἅρά γ' οἴεσθε τοὺς  
ἐχθροὺς τὰς τῶν παρ' ἡμῖν πονηρῶν διαδύσεις καὶ  
κακουργίας ἀναμενεῖν; ἢ τὴν πόλιν, αὐτὴν ἐμποδίζον-  
τας νόμους εἰ θήσεται καὶ τὰναντία τῶν συμφερόν-  
των λέγοντας, δυνήσεσθαι τι ποιῆσαι τῶν δεόντων;  
95 ἀλλ' ἀγαπητόν, ὦ ἄνδρες Ἀθηναῖοι, εἰ πάντων καλῶς  
ἐχόντων ἡμῖν, καὶ μηδενὸς ὄντος τοιοῦτου νόμου,  
κρατοῖμεν τῶν ἐχθρῶν καὶ ταῖς ὀξύτησι δυναίμεθα

<sup>†</sup> εἰσπράξομεν Bens. cum Σ.

<sup>§</sup> εἶτα ποτ' Ζ Bens. cum Σ.

<sup>‡</sup> ἡμῶν Ζ Bekk. Bens. cum ΣFTΩν. ὑμῶν cett.

§ 93. εἰ...προστέτιμηται...ἢ...  
προστίμηθῃ] §§ 39 n., 79.

τὰ χρήματα εἰσπράξομεν] An-  
drot. § 60.

ἀλλὰ μὴ τὸ προσῆκον ποιῇ] 'in-  
stead of doing his duty.' § 77 n.

§ 94. εἶτα τότε<sup>§</sup> ἔξιμεν] The  
reconditor lectio of Σ, the Zu-  
rich editors and Benseler, εἶτα  
ποτ' ἔξιμεν, is not improbably  
right, though against all the  
other MSS.

ὑμῶν] The evidence clearly  
preponderates in favour of ἡ-  
μῶν, which I now adopt.

ἀναμενεῖν] The future is re-

quired, and is adopted by all  
modern Edd. Bekker says 'Li-  
bri ἀναμένειν:' but Benseler  
and the Zurich editors cite the  
true reading as in 'Σ corr.:' as  
does Dindorf, Praef. p. xliii.

§ 95. ταῖς ὀξύτησι] Like *kai-  
rois*, this is evidently to be taken  
with ἀκολουθεῖν: 'keep pace with  
sudden emergencies,' as K. He  
notices, however, that the French  
translator Auger took it as an  
instrumental dative: 'par la  
promptitude de nos préparatifs.'

καὶ τοῖς τοῦ πολέμου καιροῖς ἀκολουθεῖν καὶ μηδενὸς ὑστερίζειν. ἀλλὰ μὴν εἰ φαίνει τοιοῦτον τεθεικὼς νόμον, ὃς τὰ τοιαῦτα λυμαίνεται δι' ὧν ἡ πόλις καὶ σεμνὴ καὶ λαμπρὰ παρὰ πᾶσι καθέστηκε, πῶς οὐχὶ δικαίως ὅτιοῦν ἂν πάθοις ;

96 "Ἐτι τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τὴν διοίκησιν ἀναιρεῖ, τὴν θ' ἱερὰν καὶ τὴν ὀσίαν. ὥς δέ, ἐγὼ φράσω. ἔστιν ὑμῖν κύριος νόμος, καλῶς εἴπερ τις καὶ ἄλλος κείμενος, τοὺς ἔχοντας τὰ τε ἱερὰ καὶ τὰ ὅσια χρήματα καταβάλλειν εἰς τὸ βουλευτήριον, εἰ

φαίνει—τεθεικὼς] 'you are seen to have passed,' not 'you appear.' So Benseler, rightly. Cf. Androt. § 21 n.

σεμνὴ καὶ λαμπρὰ...καθέστηκε] 'has become respected and honoured:' 'geachtet und berühmt,' Benseler.

§§ 96—101. Once more, the law of Timocrates ruins (not merely our imperial policy, but) our whole finances, both sacred and civil. The ordinary revenues derived from taxes do not suffice: we must look sharply to the so-called 'extra payments.' These are now enforced by the summary process applied to the farmers of the revenue, i.e. by imprisonment: if this wholesome pressure be removed, as it is by your law, accumulated deficits, bankruptcy, and dissolution stare us in the face. I suppose you think THE PEOPLE, the senate and the courts can go unpaid; but you took pay yourself for proposing this law. You did not venture to disturb the existing enactments as regards farmers of taxes: you ought at least to have added a clause providing that debts from other defaulters, now recovered under those laws,

should continue to be so recovered. But this is precisely what, to serve your friends, you did not do: and the consequences are &c. &c. [The repetition here becomes somewhat wearisome.]

§ 96. ἔστιν ὑμῖν κύριος...κείμενος] 'You have a law in force, and a good one too, if ever there was one such:' 'there is no better existing' is K.'s less literal rendering. Comp. above, § 4, εἴπερ τινὶ τοῦτο καὶ ἄλλῳ προσηκόντως εἴρηται, νομίζω κάμωι νῦν ἀρμόττειν εἰπεῖν. Jelf, § 895. 2.

τοὺς ἔχοντας τὰ τε ἱερὰ καὶ τὰ ὅσια] The class of public debtors, to which Androtion and his associates belonged, is here distinguished from two other classes. A man could not be imprisoned merely for being in arrear (ὑπερήμερος) with taxes, even with the εἰσφορὰ or extraordinary contribution (Boeckh, *P. E. p.* 386 = *Sthh.*<sup>3</sup>i. 456). Here the principle was laid down, that his property and not his person was responsible: though, as the notes to the next section will show, the practice in bad times was not quite on a level with the theory. The legal reme-

δὲ μή, τὴν βουλὴν αὐτοὺς εἰσπράττειν χρωμένην τοῖς  
 97 νόμοις τοῖς τελωνικοῖς. διὰ τοίνυν τοῦ νόμου τούτου  
 διοικεῖται τὰ κοινά· τὰ γὰρ εἰς τὰς ἐκκλησίας καὶ 731  
 τὰς θυσίας καὶ τὴν βουλὴν καὶ τοὺς ἵππείας καὶ  
 ἄλλα χρήματ' ἀναλισκόμενα, οὗτός ἐσθ' ὁ νόμος ὁ  
 ποιῶν προσευπορεῖσθαι. οὐ γὰρ ὄντων ἱκανῶν τῶν

dies were τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας καὶ ταῦτ' ἀπογράφειν (Androt. §§ 54—5): and it was made a charge against Androtion on the former occasion that, having undertaken the collection of arrears for the state, he dragged men off to prison, which was illegal even in the case of resident aliens (ἔδεις καὶ ὕβριζες πολίτας ἀνθρώπους καὶ τοὺς ταλαιπώρους μετοίκους, *ibid.*): apart from the fact that in many instances nothing was really due, and his conduct was wantonly oppressive and extortionate (*ib.* §§ 56—58). Another and much more stringent rule was applied to all who were directly concerned in the collection of taxes, the classes enumerated in §§ 40, 144 of the present speech: these, as the senate-house was the place where their payments were made, the moment they fell into arrear might be imprisoned at the discretion of the senate (Boeckh, *P. E.* pp. 338, 340 = *Sthh.* i. 409 ff.). Androtion and his colleagues in the embassy were not τελῶναι, but they held in their hands public balances for which they had not accounted, viz. the prize-money from the sale of the condemned ship: as such they came under the νόμοι τελωνικοί, and were liable to imprisonment until Timocrates passed his *privilegium* in their favour.

τοῖς νόμοις τοῖς τελωνικοῖς] Loosely rendered in Boeckh (*l.c.* p. 337) 'laws of the custom duties,' and in L. and S. 'the excise and custom laws:' much more accurately by the English and German translators, 'the statutes which relate to the farmers of taxes,' 'den Gesetzen über die Zollpächter.' They were not περὶ τὰ τέλη, but περὶ τοὺς τελῶνας: smuggling, for instance, though punished severely and capriciously, would not come under the νόμοι τελωνικοί, though connivance at smuggling on the part of a τελῶνης doubtless might. One of their principal provisions was that of the senator's oath in § 144 with regard to the imprisonment of persons connected with the revenue.

§ 97. τοίνυν] Exactly our 'Well then,' at the beginning of a sentence; a connecting particle with the slightest possible shade of inferential meaning.

προσευπορεῖσθαι] The common reading *προευν.* rests only on inferior MSS. and is not required: 'more fully provided' yields just as good a sense as 'provided beforehand.' On *εὐπορεῖν* and its compounds cf. Sandys on *pro Phorm.* p. 962 § 57.

οὐ γὰρ ὄντων ἱκανῶν] The 'chronic deficits' of the period, especially during the Social War, have been already noticed

ἐκ τῶν τελῶν χρημάτων τῇ διοικήσει, τὰ προσκατα-  
 βλήματ' ὀνομαζόμενα διὰ τὸν τοῦ νόμου τούτου  
 98 φόβον καταβάλλεται. πῶς οὖν οὐχ ἅπαντ' ἀνάγκη  
 καταλυθῆναι τὰ τῆς πόλεως, ὅταν αἱ μὲν τῶν τελῶν  
 καταβολαὶ μὴ ἱκαναὶ ᾧσι<sup>u</sup> τῇ διοικήσει, ἀλλ' ἐνδέη  
 πολλῶν, καὶ μηδὲ ταῦτα ἀλλ' ἢ περὶ λήγοντα  
 τὸν ἐνιαυτὸν ἢ λαβεῖν, τὰ δὲ προσκαταβλήματα  
 τοὺς μὴ τιθέντας μὴ κυρία ἡ<sup>x</sup> ἢ βουλὴ μηδὲ τὰ  
 δικαστήρια δῆσαι, ἀλλὰ καθιστῶσιν ἐγγυητὰς ἄχρι  
 99 τῆς ἐνάτης πρυτανείας; τὰς δ' ὅκτῳ τί ποιήσομεν;  
 εἰπέ, Τιμόκρατες· οὐ σύνιμεν καὶ βουλευσόμεθα, εἴαν τι

<sup>u</sup> [ᾧσι] Bens. ᾧσ' ἱκαναὶ Bl.

<sup>x</sup> ἡ κυρία δεῖν om. δῆσαι Bl. cum ks.

(Androt. § 48 n.; above, § 79 n.): and the hungriness of the exchequer at such times showed itself in very unscrupulous proceedings. Thus, traps were laid for the resident aliens in order to bring them under the law (Boeckh, *P. E.* p. 394 = *Stkh.*,<sup>3</sup> i. 466): steps were taken, through the courts, to transfer men from the more favoured to the less favoured categories—to convert an ὀφείλων or ὑπερήμερος into an ὀφλῶν (Androt. § 34 n.; above, §§ 39, 50), and then to exact forfeitures, such as those described in § 82: informations and prosecutions which might be purely malicious were encouraged (Lys. c. Nicom. § 22). This brings us to

τὰ προσκαταβλήματ' ὀνομαζόμενα] 'the so-called extra payments:' doubtless a euphemism for the fines and forfeitures just noticed. It is even possible that Demosth. in his use of ὀνομαζόμενα is indulging in a little grim humour at the expense of the 'peculiar institutions' by

which the state 'conveyed' the property of individuals into the public chest. The earlier writers were perplexed by these προσκαταβλήματα, here clearly distinguished from αἱ τῶν τελῶν καταβολαὶ in the next §. Even Boeckh professes himself unable to explain why they should be called 'additional' (*l.c.* pp. 343—4). The explanation given is that of A. Schaefer (Demosthenes, i. 342) adopted also by Schoemann (*Antiq.* p. 451 n.) and by Mr Whiston in an excursus on the present passage.

§ 98. ἐνδέη πολλῶν] 'Scil. ἡ διοίκησις,' R. W. Really, of course, τῇ διοικήσει, if the subject of an impersonal verb needs to be expressed: 'when there is a large deficit, which cannot be made up till towards the close of the year, and the senate and courts are not authorised to imprison those who do not pay up the fines which have accrued'... So K. nearly.

§ 99. οὐ σύνιμεν καὶ βουλευσόμεθα] 'Shall we cease to



δέη; εἴτ' ἔτι δημοκρατησόμεθα; οὐ δικάσει τὰ δικαστήρια τά τ' ἴδια<sup>γ</sup> καὶ τὰ δημόσια; καὶ τίς ὑπάρξει τοῖς ἀδικουμένοις ἀσφάλεια; οὐκ εἴσεισιν ἡ βουλὴ καὶ διοικήσει τὰ ἐκ τῶν νόμων; καὶ τί λοιπὸν ἔσθ' ἡμῖν ἀλλ' ἢ καταλελύσθαι; ἀλλὰ νῆ Δί', ἀμισθί<sup>z</sup> ταῦτα ποιήσομεν; καὶ πῶς οὐ δεινόν, εἰ διὰ τὸν νόμον, ὃν σὺ τέθεικας μισθὸν λαβὼν, ἄμισθος ὁ δῆμος  
 100 καὶ ἡ βουλὴ καὶ τὰ δικαστήρι' ἔσται; χρῆν γὰρ τοῦτό γέ σε, ὦ Τιμόκρατες, προσγράψαι τῷ νόμῳ, ὅπερ ἐποίεις κατὰ τῶν τελωνῶν καὶ τῶν ἐγγυητῶν<sup>a</sup>, “καὶ εἰ κατὰ τινων ἐν ἄλλῳ τινὶ νόμῳ ἢ ψηφίσματι “τὰς αὐτὰς εἴρηται πράξεις ὧν ὀφείλουσιν εἶναι, ἅς  
 “περὶ τῶν τελωνῶν, καὶ κατὰ τούτων εἶναι τὰς  
 101 “πράξεις κατὰ τοὺς ὑπάρχοντας νόμους.” νῦν δὲ κύκλῳ 732 φεύγων τοὺς νόμους τοὺς τελωνικοὺς, ὅτι τὸ ψήφισμα τὸ Εὐκτῆμονος εἴρηκε πρᾶττειν τοὺς ὠφληκότας κατὰ

<sup>γ</sup> τὰς τ' ἰδίας...δημοσίας Bl.

<sup>z</sup> ἀμισθεὶ Bl.

<sup>a</sup> v. not.

meet and deliberate in case of need? If so, shall we still be living under a free government?' (δημοκρατησόμεθα, cf. § 75 n., νόμος ὀλιγαρχίας διαφέρει.)

εἴσεισιν] Distinguished from σύνιμεν above: the people meeting in the Pnyx are said συνέρχεσθαι, the senate in their covered Bouleuterion εἰσέρχεσθαι.

διοικήσει τὰ ἐκ τῶν νόμων] 'transact their constitutional business,' K. Rather, I think, 'administer the legal revenues:' it seems better to give a consistent sense to διοικεῖν and διοίκησις throughout these §§.

ἄμισθος ὁ δῆμος] An argument likely to be the most telling of all with the jury: cf. § 95.

§ 100. Timocrates had known better than to alarm the people by tampering with the laws re-

lating to the farmers of taxes: had he been an honest man, he would have extended this provision to all debts which under the existing law were recovered in the same way.

κατὰ τῶν τελωνῶν] 'against,' 'gegen,' Benseler: but compare § 59 n. In § 40 the law-compiler writes περὶ throughout. The words τὰς πράξεις κατὰ τοὺς ὑπάρχοντας νόμους, as repeated after ἐγγυητῶν, as well as at the end of the sentence, are bracketed by G. H. Schaefer, expunged by all recent editors.

§ 101. κύκλῳ φεύγων] 'carefully avoiding,' as K.: 'going out of his way to avoid them,' 'giving them a wide berth.'

τὸ ψήφισμα τὸ Εὐκτῆμονος] The decree called by the speaker γνώμη δικαιοτάτη in § 13, that

τούτους τοὺς νόμους, διὰ ταῦτ' οὐ προσέγραψε τοῦτο. ἐκ δὲ τούτου τοῦ τρόπου τὴν μὲν ὑπάρχουσαν τιμωρίαν λύσας κατὰ τῶν τὰ τῆς πόλεως ἐχόντων, ἑτέραν δ' οὐ γράψας<sup>b</sup> πάντα τὰ πράγματ' ἀναιρεῖ, δῆμον, ἱππέας, βουλήν, ἱερά, ὅσια· ἀνθ' ὧν, ἄνπερ ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, σωφρονήτε, κολασθεῖς καὶ δοὺς ἀξίαν δίκην τοῖς ἄλλοις παράδειγμα γενήσεται μὴ τιθέναι τοιούτους νόμους.

102 Οὐ τοίνυν μόνον τὰ δικαστήρι' ἄκυρα ποιεῖ τῶν προστιμημάτων, τοῖς ἀδικούσι τὰ κοινὰ δίδωσιν ἄδειαν, τὰς ὑπὲρ τῆς πόλεως στρατείας λυμαίνεται, τὴν διοίκησιν καταλύει, ἀλλὰ καὶ<sup>c</sup> τοῖς κακούργοις καὶ τοῖς πατραλοίαις καὶ τοῖς ἀστρατεύτοις βοη-

<sup>b</sup> γράψας Z Bekk. Bens. Weil Bl. cum Σ. Vulgo et Dind. προσ-  
γράφας. <sup>c</sup> tr. Weil Bl. ante τοῖς ἀδικούσιν cett.

the prize-money should be exacted from the trierarchs, and that a *διαδικασία* should decide the question of liability as between them and the ambassadors: a decree unsuccessfully impeached by the partisans of Androton, § 14.

*πράττειν τοὺς ὠφληκότας*] The full construction is *πράττειν τινά τι*: the accus. rei is here omitted.—*τιμωρίαν*, as in § 87, 'redress against defaulters' rather than 'punishment.'

§§ 102—107. *Besides the ruinous impunity accorded to public debtors, T.'s law abolishes, by parity of reasoning, the punishment of imprisonment now in force against other criminals, such as those guilty of theft, ill-treatment of parents, or neglect of military service. Unlike Solon, whose legislation improves both the living and the unborn, you put a premium on crime: for the benefit of thieves, unna-*

*tural children, and shirkers, you propose laws to our disadvantage.*

§ 102. The sentence down to *καταλύει* is a brief summary of the effects of T.'s law upon the finances (cf. argument, §§ 79—101). There is no doubt, therefore, that Dobree improves the passage by transposing *ἀλλὰ καὶ* after *καταλύει*, where the orator turns to its effect upon other classes of criminals (*ἀλλὰ καὶ τοῖς κακούργοις κ.τ.λ.*): and the correction has been accepted by the two latest Editors.

*πατραλοίας*] It is quite in Demosthenes' way to use the most offensive term, and to insinuate what he does not venture directly to assert, that Timocrates was tampering with the laws relating to murder and parricide. But *πατραλοίας* (*ἀλοάω*, to thresh corn) means indifferently one who 'strikes' or 'slays' a parent: the German

θοῦντα τέθεικε τὸν νόμον. τὰς γὰρ ὑπαρχούσας ἐκ  
 103 τῶν νῦν κυρίων νόμων τιμωρίας καταλύει. λεγόντων  
 γὰρ τῶν νόμων οὓς ἔθηκε Σόλων, οὐδὲν ὅμοιος ὦν  
 τούτῳ νομοθέτης, εἴαν τις ἀλῶ κλοπῆς καὶ μὴ τιμηθῇ  
 θανάτου, προστιμᾶν αὐτῷ δεσμόν, καὶ εἴαν τις ἀλούς  
 τῆς κακώσεως τῶν γονέων εἰς τὴν ἀγορὰν ἐμβάλλη<sup>d</sup>,  
 δεδέσθαι, κἂν ἀστρατείας τις ὄφλη καὶ τι τῶν αὐτῶν

<sup>d</sup> ἐμβάλη Bl. cum TQrs.

‘schlagen,’ and the by-forms ‘thresh, thrash,’ illustrate the double meaning. Comp. Aristoph. Ran. 149 ἡ μητέρ’ ἡλόησεν, ἡ πατὴρς γνάθον | ἐπάταξεν, ἡ πίορκον ὄρκον ὤμοσεν, with vv. 274—276 of the same play: ΔΙ. κατείδες οὖν που τοὺς πατραλίας αὐτόθι | καὶ τοὺς ἐπιόρκους, οὓς ἔλεγεν ἡμῖν; ΞΑ. σὺ δ’ οὐ; | ΔΙ. νῆ τὸν Ποσειδῶ ᾧ γε, καὶ νυνὶ γ’ ὁρῶ: where the last line is spoken at the audience, whom Aristophanes did not mean even in jest to accuse of anything worse than ‘assault and battery.’ Hence K.’s rendering, ‘persons who strike their fathers,’ is better than Benseler’s ‘Vatermörder.’ In common sense and fairness, T.’s decree had left these and all other laws, except those relating to public debtors, just where it found them.

§ 103. Σόλων] The same comparison occurs Androt. §§ 25, 30, below §§ 106, 113.

μὴ τιμηθῇ θανάτου] τιμηθῇ is of course impersonal, ‘if a sentence of death be not passed.’ Cf. §§ 39, 63 n., 105.

προστιμᾶν αὐτῷ δεσμόν] On § 2 I have argued against the notion that προστιμᾶν can ever be simply = τιμᾶν: and I see no difficulty in bringing the present passage under the rule. The imprisonment was ‘in ad-

dition to’ the restitution, two-fold or tenfold as the case might be prescribed by the law itself in § 105. There is slight MS. authority for δεσμοῦ, which Taylor wished to introduce as more usual: G. H. Schaefer points out that both constructions are right, instancing δεσμόν in § 114.

τῆς κακώσεως τῶν γονέων] On Atimía for this offence, § 60 n.

εἰς τὴν ἀγορὰν ἐμβάλλη] Sc. ἐαυτὸν ‘intrude,’ the regular phrase for an Atimos presuming to enter the Ecclesia as a citizen. Exclusion from the Agora did not imply that he was ‘boycotted’ in the market: cf. Androt. § 77. Above, § 60 n., Aesch. c. Timarch. § 164 τίς γὰρ οὐκ ἐρεῖ ‘ἔπειτα ἐμβάλλεις εἰς τὴν ἀγορὰν ἢ στεφανοῖ ἢ πράττεις τι τῶν αὐτῶν ἡμῖν;’ id. de F. L. § 148 οὐ καθαρὸς ὦν τὰς χεῖρας εἰς τὴν ἀγορὰν ἐμβάλλεις. Lycurg. c. Leocr. § 5 εἰς τὴν ἀγορὰν ἐμβάλλοντα καὶ τῶν κοινῶν ἱερῶν μετέχοντα. This intransitive use is not noticed in Reiske’s Index.

κἂν ἀστρατείας τις ὄφλη] ‘If a man be fined for desertion’ K., but this is hardly accurate. The γραφή ἀστρατείας, for failing to join the colours on being summoned by the general, is to be distinguished from the

τοῖς ἐπιτίμοις ποιῇ, καὶ τοῦτον δεδέσθαι, Τιμοκράτης ἵπασι τούτοις ἄδειαν ποιεῖ, τῇ καταστάσει τῶν  
 104 ἐγγυητῶν τὸν δεσμὸν ἀφαιρῶν. ὥστ' ἔμοιγε δοκεῖ (καὶ γὰρ εἰ φορτικώτερον εἶναι τὸ ῥηθησόμενον δόξει, λέξω καὶ οὐκ ἀποτρέψομαι) κατὰ τοῦτό γ' αὐτ' ἄξιον αὐτὸν εἶναι θανάτῳ ζημιῶσαι, ἵν' ἐν Ἀίδου τοῖς ἀσεβέσιν θῇ τοῦτον τὸν νόμον, ἡμᾶς δὲ τοὺς ζῶντας τοῖσδε τοῖς ὀσίοις καὶ δίκαιοις ἐὰν τὸ λοιπὸν χρῆσθαι. ἀνάγνωθι 733 δὲ καὶ τούτους τοὺς νόμους.

γραφὴ λιποστρατίου, λιποταξίου (these, and not *λειπ.*, are the correct forms), for desertion or leaving the ranks after having joined (*Dict. Antig.* s. v. *Astrateias Graphé*). A more correct rendering will therefore be 'convicted of failing to serve.' In § 119 we have both expressions: τοῖς ἀστρατεύτοις, τοῖς λιποῦσι τὴν τάξιν. The punishment for ἀστρατεία appears to have been *ἀτιμία* only, of a very stringent character especially as regards exclusion from sacred rites, but without a fine. In the passage of Andoc. de Myst. § 74, already cited § 60 n., ἀστρατεία is joined with *κάκωσις γονέων* as coming under the same rule of *Atimia*. For the ceremonial exclusion compare the preceding note on *εἰς τὴν ἀγορὰν ἐμβάλλειν*, and add Aeschin. Ctes. § 176 ὁ μὲν τοίνυν νομοθέτης τὸν ἀστράτευτον καὶ τὸν λιπόντα τὴν τάξιν ἔξω τῶν περιρραντηρίων τῆς ἀγορᾶς ἐξείργει. The two speeches of Lysias against the younger Alcibiades are entitled *λιποταξίου* and *ἀστρατείας* respectively: and the law of military offences is discussed with reference to these by Prof. Jebb, *Att. Or.* i. 256 ff. καὶ τι τῶν αὐτῶν τοῖς ἐπιτίμοις ποιῇ] Cf. Aeschin. Timarch.

§ 164, cited in the last note but one. The *Atimos*, trespassing upon the preserves of the full citizens, laid himself open to *ἐνδειξις* (above § 50) and might even be punished capitally (Androt. § 48 n.).

τῇ καταστάσει τῶν ἐγγυητῶν] 'by the putting in of bail.' Hitherto we have had only the verb *καθιστάναι*.

§ 104. φορτικώτερον] Demosth. might well apologise for 'vulgarity' here, as he does de Pace p. 57 § 4 οὕτως ἡγοῦμαι φορτικὸν καὶ ἐπαχθὲς ὥστε ἀνάγκην οὖσαν ὀρῶν ὁμῶς ἀποκνῶ. Mr Whiston in a note on the latter passage suggests that *φορτικὸς* in this sense 'originally meant and expressed the characteristics of porters and low fellows employed in carrying burdens.' But in that case the termination *-ικὸς*, expressive of aptitude, must have been attached to a *verbal* root. In reality what is coarse and vulgar is *φορτικὸν καὶ ἐπαχθὲς*, apt to be a burden and a nuisance to more refined natures.

οὐκ ἀποτρέψομαι] § 1 n. The variant *ἀποκρύψομαι* has here scarcely any support from the MSS. Blass, however, retains it.

ΝΟΜΟΙ ΚΛΟΠΗΣ, ΚΑΚΩΣΕΩΣ ΓΟΝΕΩΝ,  
ΑΣΤΡΑΤΕΙΑΣ.

105 [“Ὅ τι ἂν τις ἀπολέσῃ, εἰάν μὲν αὐτὸ λάβῃ, τὴν διπλασίαν καταδικάζειν, εἰάν δὲ μὴ, τὴν δεκαπλασίαν

§ 105. ΝΟΜΟΙ] The authority of these ‘laws’ does not as a whole stand higher than that of other similar documents already considered: though they contain some genuine phrases not derived from the context. One thing is clear, that they could never have stood together as portions of a single law: such subjects as *κακῶσις γονέων* and *ἀστρατεία* could not have been introduced parenthetically in the midst of the *νόμοι κλοπῆς*. Benseler further points out that *δεκαπλάσιον* is ‘unheard-of,’ and contradicted by § 114, where the twofold restitution is alone mentioned (see further in the note below): it must be a mistake of the compiler, who was thinking of the tenfold penalty in cases of sacrilege (cf. § 83). Besides this, *προστιμᾶσθαι τὸν βουλόμενον*, ‘any one may propose the additional penalty,’ is a very confused mode of expression in the text of a law: and *ἡλωκῶς* first means ‘arrested’ (*ertappt*) and then is followed by *εἰάν δ’ ἄλῳ*, ‘if he be found guilty.’ I do not follow Benseler in his objections to *πρὸς τοῖς ἐπαίτιοις* and *ὁ βουλόμενος οἷς ἔξεστιν*: but the above are surely enough to determine the character of the document.

λάβῃ] Here equivalent to *ἀπολάβῃ*, ‘recover:’ a sense of the word for which there does not seem to be any classical authority.

*τὴν διπλασίαν καταδικάζειν*] sc. *τοῦ κλέπτου*, ‘the court shall sentence the thief to pay the double value:’ but this highly condensed expression is much more like the abstract of a law than the law itself. On the infinitive in enacting clauses, above § 20 n.

*τὴν δεκαπλασίαν*] Heraldus, the old commentator on Petit’s *Leges Atticae*, saw the absurdity of this, and proposed *διπλασίαν*: it is only surprising that modern scholars like Meier, Platner, and Schoemann should have failed to see it. H. Schelling *de Solonis legibus*, followed by Dindorf and Whiston, gives the reasons for the change. (1) There is no due proportion between the twofold restitution when the thing stolen was recovered, and the tenfold, in addition to other punishment (*πρὸς τοῖς ἐπαίτιοις*), when it was not. (2) Aulus Gellius (ix. 18) observes: ‘Solon sua lege in fures non (ut antea Dracon) mortis, sed dupli poena vindicandum existimavit.’ (3) It is implicitly contradicted by the orator himself in § 114. Mr Whiston further shows that the Roman law was in general contented with a twofold penalty: and so, it may be added, was the Hebrew (Exod. xxii. 1—9, with some exceptions as in v. 1). The matter is simple enough when it is once admitted that we are not correcting the text



πρὸς τοῖς ἐπαιτίοις. δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ τὸν πόδα πένθ' ἡμέρας καὶ νύκτας ἴσας, εἰς προστιμήσῃ ἢ ἡλιαία. προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμήματος ᾖ. εἰς δὲ τις ἀπαχθῇ τῶν γονέων κακώσεως ἡλωκῶς ἢ ἀστρατείας, ἢ<sup>ε</sup> προειρημένον αὐτῷ τῶν νόμων<sup>ε</sup> εἵργεσθαι εἰσιὼν ὅποι μὴ χρή,

<sup>ε</sup> ἢ om. Z cum F.

<sup>ε</sup> νομίμων Bl. v. not.

of our author, but the mistake of a grammarian, and that the origin of his mistake is clear, viz. a confusion with the case of sacrilege in § 82.

πρὸς τοῖς ἐπαιτίοις] τὰ μέντοι προστιμήματα Σόλων ἐπαίτια καλεῖ Pollux viii. 22. ἔστι μὲν τινα ἐν τοῖς νόμοις ὠρισμένα κατὰ τῶν ἀδικούντων, ὥσπερ ἡ ἐπωβελία παρ' Ἰσαίῳ ἐν τῷ κατὰ Διοκλέους· ἔστι δὲ καὶ ἄλλα ἀπροστιμᾶται τὸ δικαστήριον, ὡς δεικνυσὶ Δημοσθένης ἐν τῷ κατὰ Τιμοκράτους Harpocrat. s.v. Cf. note on τῶν προστιμημάτων § 2.

δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ τὸν πόδα] The law-compiler is here at one with the orator (§ 114) as to the fact that the προστίμημα in cases of theft was limited to five days' imprisonment, involving the shame of public exposure (ὅπως ὀρῶεν ἅπαντες αὐτὸν δεδεμένον), while the infliction of it was left to the discretion of the court (τιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ). But instead of δεσμών he has the expression in the text, which he got from a genuine law of Solon preserved by Lys. c. Theomn. § 16. In this curious passage Lysias explains: ἡ δὲ ποδοκάκκη ταύτῃ [surely it should be ταύτῃ] ἐστίν, ᾧ Θεόμνηστε, δ νῦν καλεῖται ἐν τῷ ἔϋλῳ δεδέσθαι: and gives us further examples of archaic words in the old

laws, ἐπιорκεῖν in the sense of ὀμνύναι, δρασκάζειν = ἀποδιδράσκειν, ἀπίλλειν = ἀποκλείειν, ἀργύριον στάσιμον for money bearing interest, πεφασμένως = φανερώς, πολεῖσθαι = βαδίζειν, οἰκεὺς = θεράπων, πολλὰ δὲ τοιαῦτα καὶ ἄλλα ἐστίν, he adds. The Scholiast here discusses two etymologies for ποδοκάκκη: ἥτοι παρεμβεβλημένου τοῦ ἐτέρου κ ποδῶν τις κάκωσις οὔσα, ἢ κατὰ συγκοπήν, ὡς Δίδυμος, οἷον ποδοκατόχη. The former is favoured by L. and S.: the latter is most probably right.

ὅταν περὶ τοῦ τιμήματος ᾖ] 'when the question of a penal sentence is before the court.'

εἰς δὲ τις ἀπαχθῇ] So far as the writer understood what he was saying, he was evidently thinking of the ἀπαγωγή in its technical sense of summary arrest (Androt. § 26 n.). But in fact the different stages of the process are hopelessly confused: ἡλωκῶς 'arrested' might perhaps be justified by Androt. § 53 τὸ σῶμα ἀλόους εἰς τὸ δεσμητήριον ἔλκεσθαι, if it were not followed by εἰς δ' ἀλῶ in the more usual sense.

ἢ προειρημένον] 'or for entering where he has no business to enter after notice of exclusion from legal privileges,' i.e. especially from the Agora and from sacred rites, § 103 n.—τῶν

δησάντων αὐτὸν οἱ ἔνδεκα καὶ εἰσαγόντων εἰς τὴν ἡλιαίαν, κατηγορεῖτω δὲ ὁ βουλόμενος οἷς ἔξεστιν. εἰν δ' ἰλῶ, τιμάτω ἢ ἡλιαία ὅ τι χρὴ παθεῖν αὐτὸν ἢ ἀποτίσαι. εἰν δ' ἀργυρίου τιμηθῇ, δεδέσθω ἕως ἂν ἐκτίσῃ.]

106 "Ομοίός γε, οὐ γάρ; ὧ ἄνδρες Ἀθηναῖοι, Σόλων νομοθέτης καὶ Τιμοκράτης. ὁ μὲν γε καὶ τοὺς ὄντας βελτίους ποιεῖ καὶ τοὺς μέλλοντας ἔσεσθαι· ὁ δὲ καὶ τοῖς γεγενημένοις πονηροῖς, ὅπως μὴ δώσουσι δίκην, ὅδον δείκνυσι, καὶ τοῖς οὖσιν ὅπως ἄδεια γενήσεται κακουργεῖν εὐρίσκει, καὶ τοῖς μέλλουσιν ἔσεσθαι, τοὺς ἐξ ἁπάντων τῶν χρόνων πονηροὺς, ὅπως ἔσονται σῶ

ἢ οὐ γάρ; *om.* Z Bekk. Bens. *v. not.*

*νόμων* should of course be *τῶν νομίμων*, as Salmasius and others after him have pointed out: but it is not necessary to correct this grammarian's Greek.

*εἰσαγόντων*] § 10 n.—ὁ βουλόμενος οἷς ἔξεστιν] § 18 n.

*παθεῖν ἢ ἀποτίσαι*] § 63 n.

*εἰν δ' ἀργυρίου τιμηθῇ*] §§ 39, 63 n., 103.

§ 106. "Ομοίός γε, οὐ γάρ;] See various readings. The insertion of οὐ γάρ rests on a marginal note in Σ (*λείπει οὐ γάρ;*) on Aristides ix. p. 359 ed. Walz: and on a parallel passage in Androt. § 73. For the comparison with Solon, § 103 n.

*τοῖς γεγενημένοις... τοῖς οὖσιν... τοῖς μέλλουσιν*] Past, present, and future criminals are all brought in to swell the indictment against the obnoxious law.

*σῶ*] Dindorf alone corrects thus for the *σῶσι* of MSS. and editions; and he is undoubtedly right. The Attics wrote this word consistently as a monosyllable: and though the ten-

dency of copyists was, as usual, to obliterate such forms in favour of the common Greek *σῶος*, they have occasionally survived in the best MSS. (cf. Cobet, *Nov. Lect.* p. 418). Thus in Plat. Critias 111 c editors now read, after Bekker, *σᾶ* for *σῶα* from one good MS. Dindorf has restored *σᾶ* in de Cor. Trierarch. p. 1231 § 10, but has left *σῶα* in c. Everg. et Mnesib. p. 1145 § 20: perhaps on the ground that the latter speech is not by Demosthenes. There does not appear to be another example of the nom. plur. in the orators: but the acc. plur. *σῶς* for *σῶους* is preserved in several passages, e.g. de Pace p. 61 § 17, de Cherson. p. 93 § 16, de F. L. p. 364 § 75 (= 84 Shilleto, who makes no remark. In the two former of these passages it is inadvertently described in L. and S. as nom. plur.). *Σῶν* as neuter sing. = *σῶων* is found in nearly all MSS. c. Lept. p. 500 § 142, and as accus. fem. = *σῶαν* in a respectable minority c.

107 καὶ μηδὲν πείσονται, παρασκευάζων. καίτοι τίν' ἂν ἀξίαν δόιης δίκην ἢ τί σὺ<sup>h</sup> παθὼν ἂν τὰ προσήκοντ' εἴης πεπονθώς, ὅς, τὰ μὲν ἄλλ' ἐῷ, ἀλλὰ τοὺς τῷ γήρα βοηθοὺς λυμαίνει, οἳ καὶ ζῶντας ἀναγκάζουσι [τοὺς παῖδας] τοὺς γονέας τρέφειν, καὶ ἐπειδὰν ἀποθάνωσιν, ὅπως τῶν νομιζομένων τύχῳσι, παρασκευάζουσιν; ἢ πῶς οὐ κάκιστος ἀπάντων ἀνθρώπων δικαίως 734 ἂν νομίζοιο, ὅστις, ὃ κατάρατε, περὶ πλείονος φαίνει<sup>hh</sup> τοὺς κλέπτας καὶ τοὺς κακούργους καὶ τοὺς ἀστρατεύτους τῆς πατρίδος ποιούμενος, καὶ διὰ τούτους καθ' ἡμῶν νόμον τίθης<sup>i</sup>;

108 Βούλομαι τοίνυν ὑμῖν, ἃ ὑπεσχόμην ἐν ἀρχῇ τοῦ λόγου, ἀπολογίσασθαι πεποιηκότα ἑμαυτόν. ἔφη γὰρ αὐτὸν ἐξελέγξειν κατὰ πάντ' ἔνοχον ὄντα τῇ γραφῇ, πρῶτον μὲν παρὰ τοὺς νόμους νομοθετοῦντα, δεύτερον δ' ὑπεναντία τοῖς οὖσι νόμοις γεγραφότα,

<sup>h</sup> σὺ *post* ἀξίαν Bl.

<sup>hh</sup> -η Bl.

<sup>i</sup> *τιθεῖς* Cobet N. L. p. 699.

Mid. p. 572 § 177. The monosyllabic forms are well attested in Attic verse, where the metre has often preserved them from corruption: *σῶς* Soph. Oed. Col. 1210, Eur. Cycl. 294 (in the latter passage feminine): *σᾶ* neut. plur. id. fr. 762 Dind., *σῶν* Aristoph. Lysistr. 488.

§ 107. *τοὺς τῷ γήρα βοηθοὺς*] Of course *νόμους* is meant, but it is not necessary to insert the word either before or after *λυμαίνει*, as has been proposed.

*ὅπως τύχῳσι*] In the last § we had *ὅπως* three times followed by a future: but no one proposes here to read *ὅπως τεύξονται*. The rule is, I believe, correctly stated on Plat. Protag. 313 c, that *ὅπως* should not be joined to an aorist 'of the same form as the future.'

§§ 108, 109. A short recapitulation of the points already proved against the law of Timocrates: he did not comply with the rules which forbid hasty legislation (§§ 24-27), nor begin by repealing contradictory laws (§§ 32-38). As to the bad consequences of the law, the speaker need not remind his hearers of what he has only just done saying.

§ 108. *ἀπολογίσασθαι*] This reading for *ἀπολογίσασθαι* rests only on one corrected MS., but it is well supported by grammarians and required by the sense: 'to recapitulate.' Bekk. *Anecd.* p. 430, 15: 'Ἀπολογίσασθαι—τὸ ἐπεξελεῖν ἕκαστα. Zonaras p. 266 gives the same gloss, and adds: οὕτω Δημοσθένης.

τρίτον δὲ τοιαῦτα δι' ὧν βλάπτει τὴν πόλιν. οὐκοῦν  
 ἠκούσατε τῶν νόμων, ἃ κελεύουσιν ποιεῖν τὸν τιθέντα  
 νόμον καινόν· καὶ πάλιν ὑμᾶς ἐδίδαξα ὅτι τούτων  
 109 οὐδ' ὅτι οὐκ ἐποίησεν οὗτος. καὶ μὴν καὶ κείνων ἠκούετε  
 τῶν νόμων οἷς ἐναντίος ὧν ἐφαίνεθ' ὁ τούτου· καὶ  
 τοίτους ὅτι πρὶν λῦσαι τόνδε τέθεικεν ἐπίστασθε.  
 ἀλλὰ μὴν ὅτι γ' οὐκ ἐπιτήδειος, ἀκηκόατε· ἄρτι γὰρ  
 λέγων ἐπαυσάμην. οὐκοῦν κατὰ πάντ' ἀδικεῖ φανε-  
 ρῶς, καὶ οὐδὲν ἔσθ' ὅ τι φροντίσας οὐδ' εὐλαβηθεὶς  
 φαίνεται, ἀλλ' ἔμοιγε δοκεῖ, καὶ εἰ πρὸς τούτοις ἄλλο  
 τι μὴ ποιεῖν ἐγγράπτ' ἐν τοῖς οὖσι νόμοις, καὶ τοῦτο  
 ποιῆσαι.

110 Παιταχόθεν μὲν τοίνυν δῆλός ἐσθ' ὅτι ταῦτ'  
 ἔγραψεν ἐπιβουλεύσας, καὶ<sup>k</sup> μετὰ τοῦ βουλευσασθαι

<sup>k</sup> καὶ om. Bens. cum ΣFTΩr.

τοιαῦτα] Like ὑπεναντία, is governed by γεγραφότα.

ἃ κελεύουσιν] 'what they require a man proposing a new law to do.' K.

§ 109. οὐκοῦν κατὰ πάντ'] 'In every way therefore it is plain that he has done wrong, in everything has he been reckless and unscrupulous.' So K.: we may translate the last clause more literally, 'he has clearly shown no care or caution.'

καὶ εἰ πρὸς τούτοις] 'Even if (καὶ εἰ) there had been a further prohibition in the existing laws against doing anything else, he would have done this also (καὶ τοῦτο ποιῆσαι ἂν):' for the mere pleasure of breaking the law it would seem. The first ἂν serves merely to prepare the mind for the conditional character of the sentence, and like the second is referred to ποιῆσαι. See Jelf, §§ 430, 432, and a note on

Plat. Protag. 311 v.

§ 110. On the question of interpolation in this part of the Speech, see the Introduction.

§§ 110—121. *Timocrates, who had not hitherto, when himself a tax-gatherer, shown any compassion for the burdens of the poor, has now suddenly come out as a humanitarian and philanthropist: only he selects the least deserving as the objects of his sympathy.*

§ 110. *The law is all of a piece, and never once right by accident: everything is of malice prepense, nothing through error of judgment.*

ἐπιβουλεύσας ... βουλευσασθαι] The compound expresses the sinister intent (ἐπὶ τινι against or to the injury of some one): the simple verb the deliberateness of the act, opp. to γνώμης διαμαρτών. The repetition of ἐπιβουλ., and βουλ., inelegant at

ταῦτ' ἀδικεῖ<sup>1</sup> καὶ οὐ γνώμη διαμαρτῶν, μάλιστα δ' ἐκ τοῦ πάντα τὸν νόμον μέχρι τῆς ὑστάτης συλλαβῆς τοιοῦτον εἶναι· οὐδὲ γὰρ οὐδ' ἄκων οὐδὲν ἔθηκεν ὀρθῶς ἔχον, οὐδ' ὡς ὑμῖν ἔμελλε λυσιτελήσειν. πῶς οὖν οὐκ εἰκὸς μισεῖν καὶ τιμωρεῖσθαι τοῦτον ὅστις τοῦ μὲν δήμου ἡδίκημένου ἡμέλησεν, ὑπὲρ δὲ τῶν ἡδίκηκότων καὶ ὕστερον ἀδικησόντων τοὺς νόμους  
 111 ἔθηκεν; θαυμάζω δ', ὃ ἄνδρες δικασταί, τῆς ἀναιδείας αὐτοῦ, τὸ ἡνίκα μὲν ἦρχεν αὐτὸς μετ' Ἀνδροτιῶνος, τὸν ἔλεον τοῦτον ἐπὶ τῷ πλήθει τῷ ὑμετέρῳ μὴ ποιή- 735

<sup>1</sup> ἀδικεῖν Bens. cum ΣF et corr. v.

best, becomes absolutely insufferable if the two verbs are to be put in the same clause; but Benseler 'auf allen Vieren' before Σ has printed ἐπιβουλεύσας μετὰ τοῦ βουλεύσασθαι ταῦτ' ἀδικεῖν.

οὐδὲ γὰρ—ἔχον] 'for not even unwittingly (rather than unwillingly) did he insert any right provision' (into this law, as the aor. ἔθηκε shows: not of the whole course of his career as a legislator).

δήμου ἡδίκημένου] The 'wrongs of the people' probably include both oppression of the poor and frauds on the public treasury.

καὶ ὕστερον ἀδικησόντων] 'past and future criminals,' 'früherer und künftiger Verbrecher,' Benseler. This is also R. W.'s rendering, and it is more in accordance with § 106 than K.'s 'who had already done wrong and intend to do it again.'

§ 111. Contrast of his former and present conduct.

θαυμάζω δ'] The common phrase θαυμάζειν τι τινός (Jelf Synt. § 495, Madvig, Synt. § 61 b) is here refined upon: the

construction is θαυμάζω τῆς ἀναιδείας (αὐτοῦ) τὸ μὴ ποιήσασθαι (ἔλεον), θεῖναι δὲ (τὸν νόμον). 'The point about his impudence that most astonishes me is this, that though when he was himself the colleague of Androtion he'... 'yet when'...

ἡνίκα μὲν ἦρχεν αὐτὸς] The office is that of ἐκλογεύς, from which Androtion had ousted Euctemon and taken his place, Androt. § 48, where see the notes.

τὸν ἔλεον τοῦτον—μὴ ποιήσασθαι] 'he did not feel this compassion for the mass of you citizens.' I am not aware of another instance of ἔλεον ποιεῖσθαι=ἐλεεῖν, but the case comes under the rule broadly stated by Shilleto (on F. L. p. 370 § 103 ὁργὴν ποιεῖσθαι), that 'any verb in Greek may be resolved into the cognate substantive with ποιεῖσθαι.' In Mid. p. 582 § 212 παρ' αὐτῶν τὰς χάριτας ποιῶνται is something more than a mere periphrasis for χαρίζωνται: it means rather 'that they may make their presents at their own expense, when they think proper



σασθαι, τῷ ἀπειρηκότι τὰ ἑαυτοῦ χρήματ' εἰσφέρον-  
 τι, ἐπειδὴ δ' Ἀνδροτίωνα ἔδει ἅ πάσαι ὑφ' ἡρητο τῆς  
 πόλεως χρήματα καταθεῖναι, τὰ μὲν ἱερά, τὰ δ' ὅσια,  
 τότε θεῖναι τὸν νόμον ἐπ' ἀποστερήσει τῶν μὲν ὁσίων  
 τῆς διπλασίας, τῶν ἱερῶν δὲ τῆς δεκαπλασίας. καὶ  
 οὕτω πρὸς τὸ πλῆθος τὸ ὑμέτερον προσενήνεκται  
 ὁ αὐτίκα μάλ' ὑπέρ τοῦ δήμου φήσων τὸν νόμον  
 112 τοῦτον θεῖναι. δικαίως δ' ἂν ἐμοὶ<sup>m</sup> δοκεῖ παθεῖν  
 ὅτιοῦν, ὅστις οἶεται δεῖν, εἰ μὲν τις ἀγορανόμος ἢ

<sup>m</sup> μοι Bl.

to make them.' Cf. Androt. § 45 n. on παρ' ἑαυτοῦ. There is plausibility in Sauppe's conjecture τούτω applying to the two men: Σ τούτωι, F τοῦ-  
 των.

τῷ ἀπειρηκότι—εἰσφέροντι] 'exhausted with contributing its own monies,' as R. W. The participle is rather unusual for τῷ εἰσφέρειν: cf. Bremi on Aeschin. Ctes. § 10.

ἐπειδὴ δ' Ἀνδροτίωνα] 'yet when A. had to pay the sums which he had long ago filched from the state . . he (T.) proposed his law with the object of defrauding you' &c.

τῶν μὲν ὁσίων...τῶν ἱερῶν δέ] Here we have doubtless (and more clearly put than in § 83) the real provisions of the Athenian law of forfeitures, which we have seen confused by the law-compiler in § 105. G. H. Schaefer calls attention to the varied order of μὲν and δέ.

προσενήνεκται] The phrase προσφέρεισθαι πρὸς τινα 'to behave towards a person' is common enough in Attic prose (cf. Paley and Sandys on Boeot. de Dot. p. 1020 § 40): the perf. pass. in this sense is rare, and perhaps unexamined. We have,

however, in 1. Aphob. p. 814 § 4 μητέρα πεντήκοντα μνᾶς εἰς τὸν οἶκον εἰσενηνεγμένην.

αὐτίκα μάλ' αὐτίκα δὴ μάλα Fv. Bl., cf. Androt. § 65 n.

§ 112. Cruel inconsistency of T.'s treatment of poor and rich defaulters.

ἀγορανόμος] On these 'clerks of the market' see *Dict. Antiq.* s.v. Agoranomi. Caillemier in Daremberg and Saglio s.v. gives the same facts, with the addition of a list of states proved by inscriptions lately discovered to have had public officers with the same name. That they were a κληρωτὴ ἀρχὴ rests on the present passage and is highly probable in itself: but the generally accepted statement that they carried whips, though with the proviso that their power of summary chastisement was limited to foreigners and slaves, seems to me improbable, as unlike what we know of Athenian police regulations. The Scholiast indeed on Aristoph. Ach. 724 says τὸ γὰρ παλαιὸν φραγγέλαις ἐτυπτον οἱ λογισταὶ τοὺς τῆς ἀγορᾶς, having previously explained ἀγορανόμους as οὓς νῦν λογιστὰς καλοῦμεν. But he probably took

ἀστυνόμος ἢ δικαστὴς κατὰ δήμους γενόμενος κλοπῆς ἐν ταῖς εὐθύναις ἐάλωκεν<sup>11</sup>, ἄνθρωπος πένης καὶ ιδιώτης

<sup>11</sup> ἤλωκεν solus Dindorfius. v. not. § 77.

his author's fun too literally; Dicaeopolis in the play says that in *his* model market the poor Megarians and the foreigners are to have free trade with him, not with Lamachus and the war-party, and three whips are to be ἀγορανόμοι and keep off *συκοφάνται* and 'birds of a like feather' (φασιανολί). A Byzantine writer, who lived when degrading punishments were the rule, could not understand the sense of personal dignity of the old Athenians who, like modern Frenchmen, could tolerate shooting a soldier but not flogging him. Plato's enactment of corporal punishment for cheating in the market (πληγαῖς μὲν καὶ δεσμοῖς δοῦλον καὶ ξένον, Laws vi. 764 B) can hardly be accepted as genuine Attic legislation in the face of the absurdly minute provisions of viii. 849—50, and the rule of a stripe for every drachma's worth in cases of adulteration xi. 917 D, which is simply what he would like to prescribe in order to teach his citizens honesty. Schoemann in his latest work gives full details as to the Agoranomi, but makes no mention as to the whips (*Antiq.* p. 416). Pollux x. 177 describes the κύφων as a wooden collar ᾧ τὸν αὐχένα ἐνθέντα ἔδει μαστιγοῦσθαι τὸν περὶ τὴν ἀγορὰν κακουργοῦντα. It is impossible to believe that this punishment was inflicted on free Athenians.

We learn from Lys. Or. 22 § 16 that the ἀγορανόμοι had no control over the sale of corn,

for which the σιτοφύλακες were appointed.

ἀστυνόμος] 'overseers of the streets,' charged with preserving order as well as cleanliness: *Dict. Antiq.* s.v. 'Astynomi'; Schoemann, *Antiq.* p. 416. Caillemet again gives a list of places where inscriptions bearing the name ἀστυνόμοι have been found (ap. Daremberg and Saglio, s.v.).

δικαστὴς κατὰ δήμους] These 'district judges' are identified with the τετταράκοντα of Demosth. c. Pantaen. p. 976 § 33, but are scarcely mentioned under either name except by the grammarians. Schoemann casts a doubt on the statement of the text that they were chosen by lot, *Antiq.* p. 473 n.: but one of his authorities, the *Lexicon Seguerianum*, contradicts itself (pp. 306. 15 and 310. 21). His giving the number as sixty is apparently a slip: the texts agree that there were originally thirty, and that they were increased to forty after the archonship of Euclides, B.C. 403. On the other hand Schoemann has given the right explanation of the words αἰκία καὶ τὰ τῶν βιαιῶν in Pantaen. l.c. as 'assaults of minor importance.' (So Teuffel in Pauly s.v. τεσσαράκοντα, 'nichtpeinliche Injurienklagen.') Kennedy cannot be right in including 'charges of rape,' App. i. p. 506. It is incredible that men whose jurisdiction in small cases was limited to the value of ten drachmas (*Bagatellsachen*, Teuffel l.c.) should have tried an offence

καὶ πολλῶν ἄπειρος καὶ κληρωτὴν ἀρχὴν ἄρξας, τοῦτω μὲν τὴν δεκαπλασίαν εἶναι, καὶ νόμον οὐδένα τοῖς τοιοῦτοῖς ἐπικουροῦντα τίθησιν· εἰ δέ τινες πρέσβεις αἰρεθέντες ὑπὸ τοῦ δήμου, πλούσιοι ὄντες, ὑφείλουντο χρήματα πολλά, τὰ μὲν ἱερά, τὰ δ' ὅσια, καὶ εἶχον χρόνον πολὺν, τούτοις ὅπως μὴδὲν πείσονται μὴθ' ὧν οἱ νόμοι μὴθ' ὧν τὰ ψηφίσματα προσ-  
 113 τάττει, μάλ' ἀκριβῶς εὔρεν. καίτοι γ' ὁ Σόλων, ὃ ἄνδρες δικασταί, ᾧ οὐδ' ἂν αὐτὸς Τιμοκράτης φήσειεν<sup>111</sup> ὅμοιος νομοθέτης εἶναι, οὐχ ὅπως ἀσφαλῶς κακουργήσουσι φαίνεται παρασκευάζων τοῖς τοιοῦτοῖς, ἀλλ' ὅπως ἢ μὴ ἀδικήσουσιν ἢ δώσουσι δίκην ἀξίαν, καὶ νόμον εἰσήνεγκεν, εἰ μὲν τις μεθ' ἡμέραν ὑπὲρ πεντή-

<sup>111</sup> φήσειεν Bl. We. ex Androt. § 54. φῆσαι vulgo.

which the Athenian law, like the English, regarded as capital. Compare *Dict. Antiq.* s.v. Hoi Tettaraconta.

τὴν δεκαπλασίαν] Demosth. of course takes an extreme case, as throughout the speech he strains every point against the defendant. It is not easy to see how any one of the officers just mentioned was likely to owe money to the temples.

ὅπως μὴδὲν πείσονται... μάλ' ἀκριβῶς εὔρεν] 'took great pains to provide that they should suffer none of the penalties.' Observe the change of tense—τίθησιν of his public life in general, εὔρεν of this particular decree.

§§ 113—116. Solon's legislation contrasted with that of Timocrates.

§ 113. ὁ Σόλων] § 103 n. The form of this trite sarcasm is here varied.

οὐχ ὅπως—τοῖς τοιοῦτοῖς] The order of course is οὐ φαίνεται

παρασκευάζων τοῖς τοιοῦτοῖς ὅπως ἀσφαλῶς κακουργήσουσι, 'we do not see him (Androt. § 21 n.) providing for such persons the means of committing crime with impunity:' and the idiomatic use of οὐχ ὅπως=non modo non, 'so far from,' is here out of place, though it has misled some editors: cf. § 153 n.

εἰ μὲν τις μεθ' ἡμέραν] On the νόμοι κλοπῆς cf. Androt. §§ 26, 27, above § 105, with the notes. The three passages furnish the substance of the article 'Klopes Dike' in *Dict. Antiq.* As usual, the orator's text is far clearer and more self-consistent than the compiled document of § 105. It is a curious coincidence that the 50 drachmas which mark the limit between ordinary and aggravated cases should be almost identical (in intrinsic value, not of course in purchasing power) with the 40 shillings which until recently constituted a capital felony in

κοντα δραχμὰς κλέπτοι, ἀπαγωγὴν πρὸς τοὺς ἔνδεκ' εἶναι, εἰ δέ τις νύκτωρ ὁτιοῦν κλέπτοι, τοῦτον ἐξεῖναι 736 καὶ ἀποκτεῖναι καὶ τρῶσαι διώκοντα καὶ ἀπαγαγεῖν τοῖς ἔνδεκ', εἰ βούλοιτο. τῷ δ' ἀλόντι ὧν αἱ ἀπαγωγαὶ εἰσιν, οὐκ ἐγγυητὰς καταστήσαντι ἔκτισιν 114 εἶναι τῶν κλεμμάτων, ἀλλὰ θάνατον τὴν ζημίαν. καὶ εἴ τίς γ' ἐκ Λυκείου ἢ ἐξ Ἀκαδημείας ἢ ἐκ Κυνοσάργους ἱμάτιον ἢ ληκύθιον ἢ ἄλλο τι φαυλότατον ἢ

English law. As regards the distinction between *μεθ' ἡμέραν* and *νύκτωρ*, the Athenians had the advantage over our (still existing) hard-and-fast rule of 9 P.M. to 6 A.M. of having no clocks, and of being always able to see the natural phenomena of sunrise and sunset.

Another distinction, that between *μεθ' ἡμέραν* 'by day' and *καθ' ἡμέραν* 'daily,' might appear elementary: but in the scurrilous passage of *de Cor.* p. 270 § 129 we have, as is well known, an instance of *μεθήμερινός* 'diurnus' taking the place of *καθημερινός* 'quotidianus.'

*ἀπαγαγεῖν τοῖς ἔνδεκα*] A rare construction for *πρὸς τοὺς ἔνδεκα*: elsewhere we have *ἀπ. ὡς τοὺς θεσμοθέτας* c. *Aristocr.* p. 630 § 32, *εἰς τὸ δεσμωτήριον* ib. p. 647 § 80: or absolutely, *Androt.* § 26 *ἄπαγε*, § 27 *τῆς ἀσεβείας ἀπάγειν*. The *ἀπαγωγή* here intended can hardly be any other than the summary arrest at the risk of the prosecutor, the existence of which has been maintained on *Androt.* § 26.

*εἰ βούλοιτο*] 'at the option of the party' K. It is amusing to see the Scholiast explaining to which of the parties this option belonged.

*τῷ δ' ἀλόντι*] 'any one convicted of the crimes for which

*these arrests are allowed:*' the article marks off *ἀπαγωγή* as a technical term.

*οὐκ ἐγγυητὰς καταστήσαντι*] Of course a sneer at *Androtion* and the others relieved by T.'s decree, as though they were on a level with common thieves. The construction is *οὐκ ἐνομοθέτησεν* or *οὐκ εἶπεν* (G. H. Schaefer): the infinitive would here require *μή*.

§ 114. *ἐκ Λυκείου*] The three great public gymnasia of Athens were all without the fortifications, but immediately adjoining them. The Lyceum lay due east of the city: the Academy to the N.W. just beyond the outer Cerameicus; the Cynosarges to the N.E. close to the foot of Mount Lycabettus, and a little to the N. of the Lyceum (see the map of Athens in *Dict. Geogr.* Vol. i. between pp. 272—3). As *Benseler* observes, the words *ἐκ γυμνασίων* show that the smaller or private gymnasia were protected by the same laws as the three great ones. The principle, that crime for which there are especial facilities must be repressed by severer punishments, is not unknown to modern legislation.

*ἱμάτιον*] This is *ἡ τῶν λωποδυντῶν ἀπαγωγή*, 'the Apagoge (in its technical sense) or sum-

εἰ τῶν<sup>ο</sup> σκευῶν τι τῶν ἐκ τῶν γυμνασίων ὑφέλοιτο ἢ ἐκ τῶν λιμένων, ὑπὲρ δέκα δραχμάς, καὶ τοῦτοις θάνατον ἐνομοθέτησεν εἶναι τὴν ζημίαν. εἰ δέ τις ἰδίαν δίκην κλοπῆς ἀλοίη, ὑπάρχειν μὲν αὐτῷ διπλάσιον ὑποτεῖσαι τὸ τιμηθέν, προστιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ πρὸς τῷ ἀργυρίῳ δεσμὸν τῷ κλέπτῃ, πένθ' ἡμέρας καὶ νύκτας<sup>ρ</sup>, ὅπως ὀρῶν ἀπαντες αὐτὸν δεδεμένον. καὶ τούτων ὀλίγῳ πρότερον ἠκούσατε

<sup>ο</sup> ἢ ἐκ τῶν Bens. cum ΣΤΩρ. ἢ εἰ τῶν Bl. ἢ τῶν ceteri.  
<sup>ρ</sup> add. ἴσας Z Bens. Bl.

mary arrest which is the well-known punishment of clothes-stealers,' of c. Conon. p. 1256 § 1, where see Sandys.

σκευῶν] Here the 'utensils' of the gymnasia, of which the ληκύθιον or oil-cruet is taken as a sample, the 'stores' of the ports. Another familiar usage of τὰ σκεύη is for the 'properties' of the theatre, including the dresses; as in v. 12 of the Frogs, and elsewhere in Aristoph.

ὑπὲρ δέκα δραχμάς] This sum marks the inferior limit of ordinary theft, as 50 drachmas the superior: below it are the merely trifling offences of which alone, as we have seen, the κατὰ δῆμους δικασταὶ could take cognisance. So English law formerly divided robbery into petty larceny, grand larceny, and felony. The best modern Edd., and K.'s translation, place a comma at λιμένων, thus connecting the clause ὑπὲρ δέκα δραχμάς with both γυμνασίων and λιμένων. This seems better than to punctuate at ὑφέλοιτο and make the smallest thefts from the gymnasia capital felo-

nies. Property in exposed situations might be thought sufficiently protected, if stealing it to the amount of 'ordinary' thefts were punished as 'aggravated' theft.

ἰδίαν δίκην] The safe remedy for the poor man, who could not afford 1000 drachmas in case of failure, in Androt. § 27: δικάζου κλοπῆς πρὸς διαιτητήν, καὶ οὐ κινδυνεύσεις.

ὑπάρχειν μὲν αὐτῷ] 'he should be required:' depending, like εἶναι preceding, upon ἐνομοθέτησεν.

προστιμῆσαι...πρὸς τῷ ἀργυρίῳ] A good instance of the proper and, as has been contended, the only meaning of προστιμᾶν, 'to impose an additional penalty:' cf. §§ 2, 103. The latter passage will also illustrate δεσμὸν, for the more usual δεσμοῦ.

πένθ' ἡμέρας καὶ νύκτας] See the various readings. In § 105 the MSS. and Edd. give νύκτας ἴσας without variation.

ὅπως ὀρῶν...δεδεμένον]=δεδεσθαι ἐν τῇ ποδοκάκῃ τὸν πόδα, § 105. Otherwise δεδεσθαι would of course simply mean 'to be put in prison.'



- 115 τῶν νόμων. ᾧετο γὰρ δεῖν τὸν γε τὰ αἰσχροῖα  
[ἔργα<sup>1</sup>] ἐργαζόμενον μὴ ἂν ὑφείλετο μόνον ἀποδόντα  
ἀπηλλάχθαι (πολλοὶ γὰρ αὐτῷ ἐδόκουν οὕτω γ' οἱ  
κλέπται ἔσεσθαι. εἰ μέλλοιεν λαθόντες μὲν ἔξειν, μὴ  
λαθόντες δ' αὐτὰ μόνον καταθήσειν ἂν ὑφείλοντο<sup>2</sup>),  
ἀλλὰ ταῦτα μὲν διπλάσια καταθεῖναι, δεθέντα δὲ  
πρὸς τούτῳ τῷ τιμήματι ἐν αἰσχύνῃ ζῆν ἥδη<sup>3</sup> τὸν  
ἄλλον βίον. ἀλλ' οὐ Τιμοκράτης, ἀλλ' ὅπως ἀπλᾶ  
μὲν, ἂν δεῖ διπλάσια, καταθήσουσι παρεσκεύασε, μηδ'  
116 ὅτιοῦν δ' ἐπιτίμιον ἔσται πρὸς τούτοις. καὶ οὐκ ἀπέ-  
χρησεν ὑπὲρ τῶν μελλόντων αὐτῷ ταῦτ' ἀδικεῖν,  
ἀλλὰ καὶ εἴ τις ἄρ' ἡδίκηκώς<sup>4</sup> κεκολασμένος ἦν, καὶ  
τοῦτον ἀφήκεν. καίτοι ἔγωγ' ὥμην δεῖν τὸν νομοθε- 737  
τοῦντα περὶ τῶν μελλόντων ἔσεσθαι, οἷα δεῖ γίγνε-

<sup>1</sup> ἔργα om. Bekk. Bl. Illud ΣΥΩρ.

Z Bekk. Bens. Bl. cum ΣΥΩ.

<sup>2</sup> ἂν ὑφείλοντο om.

<sup>3</sup> ζῆν ἥδη ks Bl., ἥδη ζῆν cett.

<sup>4</sup> add. καὶ Z Bekk. Bens. Bl. cum libris plerisque omnibus.

§ 115. τὰ αἰσχροῖα ἔργα] ἔργα before ἐργαζόμενον might with equal probability be omitted, if genuine, or inserted, if absent. In such a case the authority of Σ, supported by other good MSS., goes a long way; and the δεινότης of the passage, most will think, is improved by the addition.

ἀπηλλάχθαι] cf. λελύσθαι, § 60 n.: ἀπαλλάσσεται (or ἀπηλλάσσεται?), § 85 n.

πολλοὶ.....οἱ κλέπται] 'the thieves, he thought, would in that case (οὕτω) be numerous enough:' preserving the force of the article in translation. As ἐδόκουν ἂν would have been followed by εἰ ἔμελλον, I now omit it, with Bl. and Weil.

εἰ μέλλοιεν...ὑφείλοντο] 'if they could keep their plunder when not found out, and being

found out had only to refund it.' So K. very nearly.

ἐπιτίμιον] = ἐπαίτιον § 105, or the more usual προστίμημα.

§ 116. αὐτῷ] goes with ἀπέχρησεν, ταῦτα with ἀδικεῖν, 'he was not contented with acting thus unjustly.' Cf. § 79 ἀπέχρησεν αὐτῷ.

κεκολασμένος ἦν] Not 'had been punished (and was free),' but 'had been sentenced (and was now undergoing punishment).'

ὥμην] 'I used to think,' i.e. as K. 'I always imagined;' not simply 'I thought' (aor.).

οἷα δεῖ] 'what men's actions should be, and how everything should be regulated.' R. W. τὰς τιμωρίας ὁποίας τινὰς is more forcible as well as more elegant than ὁποίας τινὰς τὰς τιμωρίας (exquisitior verborum ordo, G.

σθαι καὶ ὥς ἕκαστ' ἔχειν, καὶ τὰς τιμωρίας ὁποίας  
 τινὰς ἐφ' ἑκάστοις δεῖ τοῖς ἀδικήμασιν εἶναι, περὶ  
 τούτων νομοθετεῖν. τοῦτο γάρ ἐστι τὸ ἐφ' ἅπασι  
 τοῖς πολίταις κοινούς τοὺς νόμους τιθέναι. τὸ δὲ  
 περὶ τῶν γεγρονότων πραγμάτων νόμους γράφειν οὐ  
 νομοθετεῖν ἐστίν, ἀλλὰ τοὺς ἀδικοῦντας σφάζειν. σκο-  
 117 πείτε δ', ὥς ἀληθῆ λέγω, ἐκ τῶνδ'. εἰ μὲν γὰρ  
 Εὐκτῆμων ἐάλω τὴν τῶν παρανόμων γραφήν, οὐκ ἂν  
 ἔθηκε τοῦτον τὸν νόμον ὁ Τιμοκράτης, οὐδ' ἂν ἐδεῖθ'  
 ἡ πόλις τούτου τοῦ νόμου, ἀλλ' ἐξήρκει ἂν αὐτοῖς  
 ἀπεστερηκόσι τὴν πόλιν τὰ χρήματα τῶν ἄλλων  
 μὴ φροντίζειν. νῦν δ', ἐπειδὴ ἀπέφυγε, τὸ μὲν ὑμέτε-  
 ρον δόγμα καὶ τὴν τοῦ δικαστηρίου ψῆφον καὶ τοὺς  
 ἄλλους νόμους ἀκύρους οἶεται δεῖν εἶναι, αὐτὸν δὲ καὶ  
 118 τὸν αὐτοῦ νόμον κύριον. καίτοι, ὧ Τιμόκρατες, οἱ  
 μὲν ὄντες ἡμῖν κύριοι νόμοι τουτουσὶ ποιούσι κυρίους

H. Schaefer): and περὶ τούτων is merely an emphatic repetition (epanalepsis) of περὶ τῶν ἀδικημάτων ἐστίναι.

κοινούς τοὺς νόμους τιθέναι] 'to enact the laws impartially:' like πολλοὶ...οἱ κλέπται in the last section.

§§ 117—119. *Real motives of Timocrates: Attic law gives large discretionary powers to juries in awarding punishment: Timocrates would deprive them of these powers for the benefit of the vilest criminals.*

§ 117. εἰ μὲν γὰρ Εὐκτῆμων ἐάλω] His decree is described § 13, and again referred to in § 101: the unsuccessful impeachment of it, § 14.

οὐδ' ἂν ἐδεῖτο] 'the state would not have wanted the law:' a smart way of saying that T. and his friends would never have found out that it was

wanted: 'they would have been content, after robbing the state of its money, to let everything else alone.'

ἀπέφυγε] The subject is here Euctemon: in § 14 it was Euctemon's law (κατὰ τοὺς νόμους ἔδοξεν εἰρῆσθαι καὶ ἀπέφυγε). That of οἶεται is of course Timocrates.

ὑμέτερον δόγμα] The jury are once more identified with the Ecclesia which passed Euctemon's decree (cf. § 11, 16): the 'verdict of the court' will include both the acquittal of Euctemon and the condemnation of Androtion and his colleagues.

§ 118. κύριοι νόμοι...τουτουσὶ ...κυρίους] Forcibly contrasted with αὐτὸν δὲ καὶ τὸν αὐτοῦ νόμον κύριον above. T. claims that *his* law and his personal will shall prevail: instead of

ἀπάντων, καὶ διδῶσιν αὐτοῖς ἀκούσασιν, ὅποῖον ἂν  
 τι νομίζωσι τὸ ἀδίκημα, τοιαύτη περὶ τοῦ ἡδικοκῆτος  
 χρῆσθαι τῇ ὀργῇ, μέγα μεγάλη, μικρὸν μικρᾷ. ὅταν  
 γὰρ ἦ ὅ τι χρῆ παθεῖν ἢ ἀποτεῖσαι, τὸ<sup>u</sup> τιμᾶν ἐπὶ τού-  
 119 τοις γίγνεται. σὺ τοίνυν τὸ παθεῖν ἀφαιρεῖς τὸν δε-  
 σμὸν ἀφιεῖς· καὶ ταῦτα τίσι; τοῖς κλέπταις, τοῖς ἱερο-  
 σύλοις, τοῖς πατραλοῖαις, τοῖς ἀνδροφόνοις, τοῖς ἀστρα-  
 τεύτοις, τοῖς λιποῦσι τὰς τάξεις· τούτους γὰρ πάντας  
 σφάζεις τῷ νόμῳ. καίτοι ὅστις ἐν δημοκρατίᾳ νομοθε-  
 τῶν μὴθ' ὑπὲρ τῶν ἱερῶν μὴθ' ὑπὲρ τοῦ δήμου νομοθετεῖ,  
 ἀλλ' ὑπὲρ ὧν εἶπον ἀρτίως, πῶς οὐ δίκαιός ἐστι τῆς

<sup>u</sup> τὸ om. Bens. Bl. cum pr. Σ.

that, it is the existing laws (δυντες=κείμενοι) which are constitutionally in force, and they give the control of everything to the jury.

καὶ διδῶσιν... μικρὸν μικρᾷ] 'and empower them, after hearing the case, to deal more or less rigorously with the offender according to the character (in their opinion) of his offence.' So K., and a literal rendering is hardly possible. According to the common punctuation, the construction of μέγα μεγάλη, μικρὸν μικρᾷ must be supplied from ὅποῖον ἂν τι νομίζωσι τὸ ἀδίκημα, and is equivalent to ἐὰν μὲν μέγα νομίζωσι, μεγάλη (χρῆσθαι τῇ ὀργῇ)· ἐὰν δὲ μικρὸν, μικρᾷ. Another pointing is favoured by Bekker and Benseler: μέγα; μεγάλη, μικρὸν; μικρᾷ. 'Is it great? then (their anger is great)', &c. This seems to me too jerky for Demosthenes' style.

ὅταν γὰρ ἦ ὅ τι χρῆ] The reading of the best MSS.; 'for when the question is what penalty, corporal or pecuniary, is

to be imposed, the assessment of it is vested in the jury.' The older reading, ὅταν γὰρ ἦ τὸ τί χρῆ..., would mean 'when the expression (or formula) occurs.'

παθεῖν ἢ ἀποτεῖσαι, §§ 63 n., 105.

§ 119. τὸ παθεῖν ἀφαιρεῖς] You take away the παθεῖν, and leave only the ἀποτεῖσαι, which is not enough.

τοῖς κλέπταις κ.τ.λ.] We have had this fallacy once already, § 102 ff., where see notes. I think it unlikely that Demosth. should have reiterated so bad an argument, though he may have used it once; an additional reason for suspecting interpolation in this part of the speech.

τοῖς ἀστρατεύτοις, τοῖς λιποῦσι τὰς τάξεις] On this distinction see § 103 n. The MSS. are pretty equally divided between λείπουσι and λιποῦσι: the present participle, which is also the reading of Σ, seems more suitable.

πῶς οὐ δίκαιός ἐστι] πῶς οὐχὶ δίκαιως ὁτιοῦν ἂν πάθοις § 95

120 ἐσχάτης τιμωρίας τυχεῖν ; οὐ γὰρ δὴ ἐρεῖ γε ὡς τοὺς 738  
 τοιοῦτους οὐ καὶ προσήκει καὶ οἱ νόμοι κελεύουσι  
 ταῖς μεγίσταις τιμωρίαις ἐνόχους εἶναι, οὐδ' ὡς οὗτοι,  
 ὑπὲρ ὧν εὔρηκε τὸν νόμον, οὐ καὶ κλέπται καὶ ἱεροσυ-  
 λοὶ εἰσι, τὰ μὲν ἱερά, τὰς δεκάτας τῆς θεοῦ καὶ τὰς  
 πεντηκοστὰς τῶν ἄλλων θεῶν, σεσυληκότες καὶ ἀντὶ  
 τοῦ ἀποδοῦναι αὐτοὶ ἔχοντες, τὰ δ' ὅσια, ἃ ἐγίγνετο  
 ὑμέτερα, κεκλοφότες. διαφέρει δὲ τοσοῦτον αὐτῶν  
 ἢ ἱεροσυλία τῶν ἄλλων, ὅτι τὴν ἀρχὴν οὐδ' ἀνήνεγ-  
 121 καν εἰς τὴν ἀκρόπολιν, δέον αὐτούς. οἶμαι δὲ νῆ τὸν

extr. and elsewhere. Of this sentiment, also, we have a little too much in these speeches.

§§ 120, 121. *Androtion and his colleagues have committed not merely robberies but the worst of sacrilege; their madness would seem to be a judgment from the goddess herself, like the fate of those who mutilated the statue of Victory.*

§ 120. εὔρηκε τὸν νόμον] 'He has invented, devised this precious law of his.' The true reading, instead of the impossible εἴρηκε which is never found with νόμον, is preserved by Σ and another (corrected) MS. and has carried conviction to the minds of all critics.

τὰς δεκάτας] 'Minerva of the Parthenon received the tithe of the plunder, and of captures, and also of certain fines; while others were paid to the temples without any deduction, together with the tithe either of all or a large proportion of confiscated property. The tithes of Minerva are mentioned in connexion with the fiftieths of other gods, and of the heroes of the tribes (ἐπώνυμοι); the latter were probably similar percentages, and must not be confounded with

the custom duty of the fiftieth,' Boeckh *P. E.* p. 328 = *Sthh.*<sup>3</sup> i. 399. It is shown in *Dict. Antiq.* (new edition) that no tithe of land, in the ordinary sense, existed in Attica. For the tithe of the spoils of war Boeckh refers to § 129 below, ἀποστερῶν τὰς ἀπὸ τῶν ὑμετέρων πολέμιων δεκάτας; and to Lys. c. Polystrat. § 24 ἐληξόμην... ὥστε τῇ θεῷ τε τὰς δεκάτας ἐξαιρεθῆναι πλέον ἢ τριάκοντα μνᾶς καὶ τοῖς στρατιώταις εἰς σωτηρίαν. As to another passage he appears to be mistaken: in *Andoc. de Myst.* § 133 ἀρχώνης ἐγένετο τῆς πεντηκοστῆς τρίτον ἔτος can only refer to the two per cent. import duty. Cf. Harpocrat. s. v. δεκατεύειν: Phot. s. v. ἀδεκατεύτους: *Dict. Antiq.* s. v. 'Deumae.'

τὴν ἀρχὴν οὐδὲ ἀνήνεγκαν] 'that they never brought the money into the Acropolis at all, when they were bound to do so.' Why this was worse sacrilege than taking it out of the treasury does not appear.

§ 121. ἀπὸ ταῦτομάτου] 'by accident' K., 'zufällig' Benseler: opp. to ἐπιπεμφθεῖσαν, 'the result of judicial blindness.'

Δία τὸν Ὀλύμπιον, ὃ ἄνδρες δικασταί, οὐκ ἀπὸ ταυτομάτου τὴν ὕβριν καὶ τὴν ὑπερηφανίαν ἐπελθεῖν Ἀνδροτίωνι, ἀλλ' ὑπὸ τῆς θεοῦ ἐπιπεμφθεῖσαν, ἥν', ὥσπερ οἱ τὰ ἀκρωτήρια τῆς Νίκης περικόψαντες ἀπώλонт' αὐτοὶ ὑφ' αὐτῶν, οὕτω καὶ οὗτοι αὐτοὶ αὐτοῖς δικαζόμενοι ἀπόλονται, καὶ τὰ χρήματα καταθεῖεν δεκαπλάσια κατὰ τοὺς νόμους ἢ δεθεῖεν.

122 Βούλομαι δ' ὑμῖν, ὃ μεταξὺ λέγων περὶ τούτων ἐνεθυμήθην, εἰπεῖν περὶ οὗ τέθεικε νόμον, παράδοξόν τι, θανμαστὸν ἡλικόν. οὗτος γάρ, ὃ ἄνδρες δικασταί,

τὰ ἀκρωτήρια τῆς Νίκης] These men had 'mutilated' (cf. Mid. p. 562 § 147 τοὺς Ἑρμῆς περιέκοπεν) the chryselephantine statue of Victory by cutting off the golden ornaments or 'extremities.' It seems hardly worth while to raise the question whether ἀκρωτήρια could mean 'wings' as the Scholiast explains it: the reference is, almost certainly, not to the temple of Niké Apteros, still extant, but to the figure of Victory held in the hand of the great statue of Athena. Nothing further is known of the incident.

ἀπώλονται αὐτοὶ ὑφ' αὐτῶν] The Scholiast in telling the story throws no light upon the meaning of this expression: he merely repeats the words. K. translates 'perished by their own hands': it is not necessary to infer suicide, and we get a closer parallel to the case of Androtion and his associates if, with Benseler, we suppose that they quarrelled over the division of the spoil and so were brought to justice.

δικαζόμενοι] The reading of the inferior MSS. διαδικαζόμενοι would imply that they were

ruined by the διαδικασία (§ 13) which determined the question of liability as between them and the trierarchs. But this would not account for the tenfold forfeiture. The text is rightly rendered by K. and Benseler: 'by litigating among themselves,' 'dass sie durch ihre eignen Prozesse stürzen möchten.'

§ 122. A pretended afterthought. *Why did Timocrates pointedly except all connected with the farming of taxes from the operation of his law?* This is a repetition of the argument of §§ 59, 60: and the real reason was, as we have seen, that the Athenians would not have stood any weakening of their hold over the τελῶναι and their sureties.

παράδοξόν τι] The well-supported variant παράλογόν (AΩ Tkrs and γρ. ΣF) would mean precisely the same thing. The two words are joined together by the author of i. Aristog. p. 780 § 32 ἐκ δὲ τοῦ παραδόξου καὶ παραλόγου.

θανμαστὸν ἡλικόν] 'something extraordinary, wonderfully so' R. W. rightly: Lat. *mirum*



τοῖς μὲν τὰ τέλη ὠνουμένοις ἔγραψε τὰς τιμωρίας εἶναι, εἰ μὴ καταβάλοιεν τὰ χρήματα, κατὰ τοὺς νόμους τοὺς προτέρους, ἐν οἷς καὶ ὁ δεσμὸς καὶ ἡ διπλοσία γέγραπται ἀνθρώποις, οἱ διὰ τὸ ζημιοῦσθαι ἐπὶ τῇ ὥνῃ ἄκοντες ἔμελλον τὴν πόλιν ἀδικήσειν· τοῖς δ' ὑφαιρουμένοις τὰ τῆς πόλεως καὶ ἱεροσυλοῦσι τὰ τῆς θεοῦ τὸν δεσμὸν ἀφείλεν. καίτοι<sup>x</sup> εἰ μὲν ἐλάττω τούτους ἀδικεῖν ἐκείνων νομίσαι φήσεις, ἀνάγκη μαίνεσθαι σ' ὁμολογεῖν, εἰ δὲ μείζω νομίζων. ὥσπερ ἔστιν, 739 [ἐκείνα τὰδικήματα] τοὺς μὲν ἀφίης<sup>y</sup>, τοὺς δε μὴ, οὐκ ἦδη ὁῆλος εἰ πεπρακὼς τὸ πρᾶγμα τούτοις;

123 "Αξιον τοίνυν καὶ τοῦτ' εἰπεῖν, ὅσον ὑμεῖς διαφέρετ'. ὦ ἄνδρες δικασταί, μεγαλοφροσύνῃ τῶν ῥητόρων. ὑμεῖς μὲν γε τὰπὶ τῷ πλήθει νενομοθετημένα

<sup>x</sup> καὶ Z cum Σ (qui tamen καίτοι ἰν γρ.).

<sup>y</sup> ἀφίεις Z Bens. ἀφιείς Cobet.

*quantum.* As Shilleto points out de F. L. p. 368 § 87=98 ὡς παλαιὰ ἢ ἁλὶα πεισόμενοι, θανμαστόν is practically adverbial. Cf. ib. p. 348 § 24=27.

διὰ τὸ ζημιοῦσθαι ἐπὶ τῇ ὥνῃ] 'owing to losses upon their biddings or contracts' as τελεῶναι. K. gives the general sense: 'by having made a bad bargain.'

τούτους...ἐκείνων...ἐκείνα τὰδικήματα] The meaning is quite clear, but the use of the pronouns rather tortuous, ἐκείνα being=τὰ τούτων, not τὰ ἐκείνων. On change of pronouns referring to the same person, compare notes on Plat. Protag. 310 D, 318 C.

ὁῆλος εἰ πεπρακὼς] 'is it not plain that you have sold your services to them for a bribe?'

§§ 123—138. 'Timocrates' law is for the benefit of notoriously

undeserving and worthless men. Examples of better men who have been punished, while the men who have bribed the defendant are to get off.

§ 123. Athenian law does not spare the poor who offend, however sorely tempted, much less the rich: but (§ 124) these orators show the hatred of upstarts for the class from which they sprang.

τὰ ἐπὶ τῷ πλήθει νενομοθετημένα δεινὰ] 'the severe enactments against the multitude:' the sense of ἐπὶ, 'applying to' (§ 59 n.), passes imperceptibly into that of 'against.' The last corrector of Σ has ἐπὶ τῶν πλουσίων, manifestly against the sense; one among many examples which prove that Σ does not merely represent the best tradition of the Demosthenic text, but has often been inju-

δεινά, εἴν τις ἢ διχόθεν μισθοφορῇ ἢ ὀφείλων τῷ δημοσίῳ ἐκκλησιάῃ ἢ δικάῃ ἢ ἄλλο τι ποιῇ ὧν οἱ νόμοι ἀπαγορεύουσιν, οὐ λύετε, καὶ ταῦτ' εἰδότες ὅτι διὰ πενίαν ἂν<sup>z</sup> ποιήσειεν ὁ τούτων τι ποιῶν, οὐδὲ νόμους τοιούτους τίθεσθ', ὅπως ἐξουσία ἔσται<sup>a</sup> ἑξαμαρτεῖν, ἀλλὰ τοῦναντίον ὅπως μὴ οὔτοι δ', ὅπως οἱ τὰ αἰσχιστα καὶ τὰ δεινότατα ποιοῦντες δίκην μὴ  
 124 δώσουσιν. εἴτα προπηλακίζουσιν ὑμᾶς ἰδίᾳ τοῖς λόγοις, ὡς αὐτοὶ καλοὶ καγαθοί, πονηρῶν καὶ ἀχαρίστων οἰκετῶν τρόπους ἔχοντες. καὶ γὰρ ἐκείνων, ὧ ἄνδρες δικασταί, ὅσοι ἂν ἐλεύθεροι γένωνται, οὐ τῆς ἐλευθερίας χάριν ἔχουσι τοῖς δεσπόταις, ἀλλὰ μισοῦσι μάλιστ' ἀνθρώπων<sup>b</sup>, ὅτι συνίσασιν αὐτοῖς δουλεύσασιν. οὕτω δὲ καὶ οὔτοι οἱ ῥήτορες οὐκ ἀγαπῶσιν ἐκ πενήτων πλούσιοι ἀπὸ τῆς πόλεως

<sup>z</sup> ἂν om. Bens. cum libris. Illud e coni. Bekk.

<sup>a</sup> ἔσται αὐτοῖς Z.

<sup>b</sup> πάντων Dind. cum libris praeter Σ.

diciously corrected. — διχόθεν] 'from both sides.'

ὀφείλων τῷ δημοσίῳ ἐκκλησιάῃ] The spirit which prompted this legislation has been indicated in a note on Androt. § 48.

λύετε] 'repeal,' as § 38 and elsewhere. κωλύετε is a bad correction.

διὰ πενίαν ἂν ποιήσειεν] ἂν, which might easily have dropt out after πενίαν, was first added by Bekker. Benseler unsuccessfully attempts to defend the MS. reading.

§ 124. καὶ γὰρ ἐκείνων] i.e. not οἰκετῶν in general, but πονηρῶν καὶ ἀχαρίστων οἰκ. Gratitude on the part of freedmen was not only the rule, but was enforced by law through the δίκη ἀποστασίου: see *Dict. Antiq.* s. v. 'Apostasiou Diké.'

μάλιστα πάντων ἀνθρώπων] For the omission of πάντων Dindorf refers to Pantaen. p. 980 § 49 μισηθείης ἂν δικαιοῦται ἀνθρώπων. Benseler gives further references which abundantly justify the reading of Σ.

οὐκ ἀγαπῶσιν... γιγνώμενοι] 'are not content with raising themselves' from poverty to wealth: rather than 'with having been raised' (γενόμενοι).

ἀπὸ τῆς πόλεως] 'at the expense of the state,' and so, as K. translates, 'through their political career.' ἀπὸ often expresses what people live on, or draw their supplies from: 1. Phil. p. 49 § 34 ἀπὸ τῶν ὑμετέρων ὑμῖν πολεμεῖ συμμαχῶν. Thucyd. i. 81 § 4 τὰς προσόδους ἀφαιρήσομεν ἀφ' ὧν τὸ ναυτικὸν τρέφουσι. So in the phrases ζῆν, διαζῆν ἀπὸ τινος, for which

γινόμενοι, ἀλλὰ καὶ προπηλακίζουσι τὸ πλῆθος, ὅτι  
 σύνοιδεν αὐτῶν ἐκάστω<sup>c</sup> τὰ ἐν τῇ πενίᾳ καὶ νεότητι  
 ἐπιτηδεύματα.

125 Ἄλλὰ νῆ Δί' αἰσχρὸν ἴσως ἦν Ἀνδροτίωνα δε-  
 θῆναι ἢ Γλαυκέτην ἢ Μελάνωπον· οὐ μὰ τὸν Δί', ὃ  
 ἄνδρες δικασταί, ἀλλὰ πολὺ αἰσχίον<sup>d</sup> τὴν πόλιν ἀδι-  
 κουμένην καὶ ὑβρίζομένην μὴ λαβεῖν δίκην καὶ ὑπὲρ  
 τῆς θεοῦ καὶ ὑπὲρ αὐτῆς. ἐπεὶ Ἀνδροτίωνί γε πό-  
 τερα οὐ πατρῶν τὸ δεδέσθαι; ἀλλ' αὐτοὶ ἴστε πολ- 740  
 λὰς πεντετηρίδας ἐν τῷ δεσμωτηρίῳ διατρίψαντα τὸν

<sup>c</sup> ἕκαστος Bens. cum ΣFv. ἐκάστοις cett.

<sup>d</sup> αἰσχρὸν Bens. cum Σ.

see the Lexicons: Shilleto on  
 Argum. F. L. notices as ex-  
 ceptional Plato, Laws iii. 679  
 α ἢ δὴ τὸ πλεῖστον διέζων 'quum  
 ἀφ' ἧς in more usurpetur.' Com-  
 pare Cobet, Nov. Lect. p. 573.

τὰ ἐν τῇ πενίᾳ—ἐπιτηδεύματα]  
 'how each of them used to live  
 in his younger and humbler  
 days' K. very neatly.

§§ 125—130. *Origin and cha-  
 racter of Androtion, Glauketes,  
 and Melanopus: none surely  
 can have deserved imprisonment  
 more than these men, who for-  
 sooth will be held up to us as  
 men whom it would be monstrous  
 to imprison.*

§ 125. Ἄλλὰ νῆ Δί'] An-  
 drot. § 69 n.

πολὺ αἰσχίον] Benseler's at-  
 tempt to make out a case for  
 the reading of Σ is very forced.  
 He says αἰσχρὸν is used sub-  
 stantively; but such a phrase  
 as αἰσχρὸν καὶ δεινὸν ποιεῖν in  
 Isocr. Panath. § 203 and De-  
 mosth. c. Aristocr. § 143 does  
 not bring us much nearer the  
 pretended use of πολὺ αἰσχρὸν  
 for μέγα ὄνειδος.

πατρῶν τὸ δεδέσθαι] 'is not  
 imprisonment an inheritance

from his father?' The humour  
 of the passage suggests also  
 the ironical rendering, 'an he-  
 reditary distinction;' see the  
 next note. For the fact, cf.  
 Androt. §§ 56, 68.

πολλὰς πεντετηρίδας] There  
 is surely comic exaggeration  
 here, even when we remember  
 that πεντετηρίς is a period of  
 four years, not five. Nothing  
 is more certain than that long  
 imprisonment was practically  
 unknown to the Greeks, espe-  
 cially to the Athenians; they  
 had neither the appliances in  
 the shape of walls and bars,  
 nor were they willing to incur  
 the expense. Imprisonment be-  
 fore trial was common enough,  
 but would not last long. After  
 trial it was employed either (1)  
 as a way of 'putting on the  
 screw' to extract payment, in  
 which it was generally success-  
 ful, or (2) as a public stigma  
 put upon disgraceful offences  
 (§§ 105, 114), or (3) it preceded  
 execution. In this last case,  
 owing to the insecurity of the  
 building (οἶκημα), the prisoner  
 was chained, and was under the  
 special custody of the Eleven.

πατέρ' αὐτοῦ καὶ ὑποδράντα, ἀλλ' οὐκ ἀφεθέντα.  
 126 ἀλλὰ διὰ τὰ ἐπιτηδεύματα τὰ ἐν τῇ ἡλικίᾳ; ἀλλὰ  
 καὶ διὰ ταῦτα δεδέσθαι αὐτῷ οὐχ ἥττον προσήκει ἢ  
 δι' ἅπερ ὑφείλετο. ἢ ὅτι εἰσῆει εἰς τὴν ἀγορὰν οὐκ

It is altogether improbable that Androtion's father had spent so much as four consecutive years within the walls of a prison.

The Scholiast saw the exaggeration of this statement, and says that Demosth. did not mean it literally (ἀπλῶς), but used the plural for the singular *ad invidiam* (ἐπὶ τὸ ἐπαχθέστερον φέρων τὸν λόγον). In the words κατὰ πέντε ἔτη ἤγετο τὰ Παναθηναῖα, τότε δὲ ἐξῆν ἀφεῖσθαι τοὺς δεσμώτας διὰ τὴν πανήγυριν, the Schol. appears to have confused two distinct things: a holiday like that at the Dionysia, when the prisoners were let out on parole during the festival (Androt. § 68), and an amnesty or kind of sabbatical year, involving their entire discharge. We have no evidence whatever that such a rule existed in connexion with the Greater Panathenaea (§ 26 n.); and even if there were, the statement that A.'s father 'spent many quinquennial periods in prison' is not explained by saying that he 'once got the benefit of a quinquennial emptying of gaols.' The fact is that a tone of banter runs through the whole passage.

The late Greek form πενταετηρίδας is here found only in one inferior MS. The texts of some other writers have been less fortunate than that of Demosthenes; but the true forms of the compounds of πέντε and of other numerals are proved against the MSS. by the incor-

ruptible evidence of metre and inscriptions, and are insisted upon by Phrynichus. (See Lobeck, p. 412 ff., or better still Rutherford, p. 489; Cobet *Var. Lect.* p. 248.)

ἀποδράντα] In Androt. § 68 it was ἐξορησάμενος, an additional comic touch: A.'s father broke his parole after the Dionysiac holiday. This custom must have rested on a well-grounded assumption that an Athenian citizen would prefer a prison to exile (for of course, if he escaped, he could not remain in the country); and is a further proof that the imprisonment was neither of long duration nor very painful while it lasted (cf. § 131). The contrast between an Athenian and an English prison (and execution) is drawn out to the disadvantage of the latter by Prof. Mahaffy, *Social Life in Greece*, p. 265 ff. Elsewhere, however, he does not disguise the fact that the avoidance of certain repulsive features of our modern practice was accompanied by a singular indifference to human life. A state which punished capitally the usurpation of the franchise by a non-voter (Androt. § 48 n.) was clearly at no loss to dispose of its 'criminal classes.'

§ 126. τὰ ἐπιτηδεύματα τὰ ἐν τῇ ἡλικίᾳ] Ironically, in reference to the charge of ἐταίρησις, Androt. §§ 21, 29, 73.—δι' ἅπερ ὑφείλετο 'because of his peccations.'

ἐξὸν αὐτῷ, καὶ ἐκ ταύτης τοὺς σωφρόνως βεβιωκότας αὐτὸς ἤγεεν εἰς τὸ δεσμωτήριον; ἀλλὰ Μελάνωπος δεινὸν νῆ Δί' ἐστὶν εἰ δεθῆσθαι νῦν ἔμελλεν· ἀλλὰ περὶ μὲν τοῦ πατρὸς αὐτοῦ οὐδὲν ἂν φλαῦρον εἴποιμι, 127 οὐδ' εἰ πάνυ πόλλ' ἔχω περὶ κλοπῆς λέγειν, ἀλλ' ἔστω ἐμοὶ ἐκείνός γε τοιοῦτος οἶον ἂν Τιμοκράτης αὐτὸν ἐγκωμιάσειεν. ἀλλ' εἰ χρηστοῦ πατρὸς ὦν

εἰσῆει εἰς τὴν ἀγορὰν οὐκ ἐξὸν αὐτῷ] As ἡταιρικῶς he was or deserved to be αἷμος, and therefore excluded from the ἀγορά. Cf. εἰς τὴν ἀγορὰν ἐμβάλλη, above § 103 n.

ἤγεεν εἰς τὸ δεσμωτήριον] His acts of oppression detailed in Androt. §§ 52, 56.

Μελάνωπος] Nothing is known of him except what may be gathered from the present passage, and one additional fact recorded by Harpocration s. v. that he was the brother-in-law (κηδεστής) of the orator Diophantus. It has been thought improbable that he was the son of the well-known general in the Peloponnesian war, killed at Mantinea in 418 (Thucyd. v. 74); and Droysen (quoted by Benseler) thought that his father was to be identified with a Laches mentioned by Lysias (adv. Simon. § 45) as general in 392, and himself a son of the more famous Laches. But Benseler argues that as Androtion, Melanopus and Glauketes were all three old men, he may after all have been the son of a man who lost his life 65 years before. The father was evidently a man of some note, and Demosth. 'will not speak a word against him, though he might say a good deal about certain thieves.' Now the elder Laches

was the son of Melanopus, of the deme Aexonae; he was recalled B.C. 426 from the command in Sicily, where he had made a 'pot of money' (σίμβλον χρημάτων Aristoph. Vesp. 241) for which he was to be prosecuted by Cleon: and he is almost certainly the Λάβης Αἰξωνεύς impeached by the κύων Κυδαθηναίεὺς (i. e. Cleon) for 'devouring the Sicilian cheese all to himself' (ib. 895 ff.). The point is well brought out in *Dict. Biogr.* s. v. 'Laches;' and the received view is probably the right one.

§ 127. οἶον ἂν...ἐγκωμιάσειεν] 'For all that I have to say, let the father be as excellent a man as Timocrates would make him out,' K. But there is further, I think, an insinuation of 'extravagant praise' or 'puffery' in ἐγκωμιάσειεν, which Benseler accordingly translates 'herausstreichen,' 'puff him off.' Athenian custom allowed the merits of a parent to be urged on a trial, as it put up with the less relevant appeal of the weeping children of the accused. (Lys. c. Polystr. § 34. Aristoph. Vesp. 976.) Such claims did not, however, count for much when the people were really exasperated. If we condemn the Athenians for the fate of the younger Pericles, one of the six generals at



ποιηρὸς καὶ κλέπτῃς ἦν καὶ προδοσίας γ' ἄλους τρία  
τάλαντα ἀπέτεισε, καὶ συνέδρου γενομένου κλοπὴν  
αὐτοῦ τὸ δικαστήριον κατέγνω καὶ δεκαπλάσιον ἀπέ-  
τεισε, καὶ παρεπρεσβέυσατο εἰς Αἴγυπτον, καὶ τοὺς  
ἀδελφούς τοὺς ἑαυτοῦ ἡδίκηει, οὐ τοσούτῳ μᾶλλον  
αὐτὸν ἔδει δεδέσθαι, εἰ χρηστοῦ πατρὸς ὦν τοιοῦτος  
ἦν; οἶμαι γὰρ ἔγωγ', εἴπερ τῷ ὄντι χρηστὸς ἦν Λά-  
χης καὶ φιλόπολις, ὑπ' αὐτοῦ ἂν ἐκείνου δεθῆναι

Arginusae, we may be reminded that Admiral Byng was himself the son of a man who had won his peerage in the same profession.

καὶ προδοσίας γε ἄλους τρία  
τάλαντα ἀπέτεισε] One of the passages which prove that 'treason' was not always capitally punished. In [Demosth.] c. Theocrin. extr. we read of a fine of ten talents for the same offence. The law of *προδοσία* was extremely elastic: *Dict. Antiq.* s.v. 'Prodosia.'

καὶ συνέδρου γενομένου] 'when he had been a member of congress;' i.e. of the congress of allies, held under the new arrangement after B.C. 377 upon more equitable principles as regards the dependent states. This is K.'s rendering of the word when it occurs below § 150: and he would have done better to translate it so here, instead of 'when he was his colleague.' It is not likely that Melanopus' frauds were tried in the same court in which they had been committed. The monies he had misapplied were clearly sacred, as is shown by the *δεκαπλάσιον*; and Benseler thinks that he had been one of the 'assessors' (*Beisitzer*) to the king-archon in a case of sacri-

lege, who, he declares, were also called *συνέδροι*. He gives no proofs; and in this sense we should rather expect *πάρεδρος*. The peculations, on the other hand, may very easily have been connected with some temple, like that at Delos, belonging to the allies.

It is right to mention, as a point in Benseler's favour, that these *συνέδροι* seem to have been representatives of the allies, not of the Athenians. See inscriptions in Hicks, pp. 181, 287 = C. I. A. ii. 64 and 332. Compare Isocr. de Pace § 29, ἢν... βιαζώμεθα τὰς πόλεις συντάξεις διδόναι καὶ συνέδρους ἐνθάδε πέμπειν.

παρεπρεσβέυσατο εἰς Αἴγυπτον] 'he betrayed his duty on an embassy to Egypt.' This was not the occasion mentioned in § 12, when he was ambassador to Mausolus in Caria. In this sense *πρεσβεύειν* is commonly used: while *πρεσβεύεσθαι* the 'causal' middle is 'to send an embassy, cause ambassadors to go:' like *διδάσκειν*, *διδάσκεσθαι*. Hence the form *οἱ παραπρεσβεύοντες* de F. L. p. 401 § 191 = 211 is more regular than that now before us. We find, however, *παραπρεσβεύηται* in Plato, Laws XII. 941 A.

αὐτὸν τοιοῦτόν γ' ὄντα καὶ οὕτως αἰσχροῖς ὀνειδέσει  
 περιβάλλοντ' ἐκεῖνον. καὶ τοῦτον μὲν δὴ ἐῶμεν,  
 128 Γλαυκέτην δὲ σκεψώμεθα. οὐχ οὗτός ἐστιν ὁ πρῶ-  
 του μὲν εἰς Δεκέλειαν αὐτομολήσας, κακείθεν ὀρμώ-  
 μενος καταθέων καὶ φέρων καὶ ἄγων ὑμᾶς; ἀλλὰ πάν-  
 τες ἴστε ταῦτα. καὶ ὁ ἀπὸ μὲν τῶν ὑμετέρων παίδων  
 καὶ γυναικῶν καὶ τῶν ἄλλων χρημάτων, ὅσα λάβοι, 741

ὀνειδέσει περιβάλλοντα] 'putting such a stigma' upon his father; 'involving him in such disgrace.' The phrase occurs Androt. §§ 35, 63.

§ 128. εἰς Δεκέλειαν αὐτομολήσας] Unlike his fellows, Glauketes is unknown to the classical dictionaries. If he was really old enough to have deserted in the Δεκελεικὸς πόλεμος (Androt. § 15 n.) of B.C. 413—404, the chronological difficulty is even greater than in the case of Melanopus, who may have been an infant at the time of his father's death in 418. According to one account, preserved by the Scholiast, he did not desert, but was taken prisoner.

κακείθεν ὀρμώμενος] 'and making it his head-quarters sallied thence to overrun and plunder you.' The phrase ἄγειν καὶ φέρειν is more commonly followed by the name of the country, not of its inhabitants; and K. is perhaps right in translating ὑμᾶς 'the country.' On the charge thus recklessly levelled A. Schaefer very sensibly remarks: 'Whether Glauketes reached the Spartan camp as a deserter or a prisoner of war, he can hardly have taken part in the hostilities against his countrymen' (Demosth. i. 329, note 3).

καὶ ὁ ἀπὸ μὲν] 'and is not he

the man who,' &c. In this sentence οὐχ οὗτός ἐστιν is to be repeated, as G. H. Schaefer remarks, placing a note of interrogation at δαρεικοῦς, which Dindorf approves. The first question is answered by ἀλλὰ πάντες ἴστε ταῦτα: the second by ἀλλὰ ταῦτά γ' οὕτω περιφανῇ. Other skilfully balanced antitheses are pointed out by Mr Whiston: 'with τῶν ὑμετέρων παίδων is contrasted τῶν ὑμετέρων πολεμίων: with ἐκεῖ τῷ ἄρμυστῇ, τὴν δέ γ' ἐνθάδε θεόν, the last especially striking and invidious.' A somewhat similar passage equally well worked out has been noticed Androt. § 56 n.

τῶν ἄλλων χρημάτων] To avoid such an expression as 'your other property' following 'your children and your wives,' we might translate according to a well-known idiom 'your property as well.' This use of ἄλλος is not unfrequent in Plato, and is sometimes absolutely necessary to the sense: Gorg. 473 c τῶν πολιτῶν καὶ τῶν ἄλλων ξένων: ib. 480 d αὐτοῦ καὶ τῶν ἄλλων οἰκείων: Tim. 76 d γυναικες καὶ τᾶλλα θηρία (!). But to include wives and children under χρήματα was not really strange to the Athenian mind, any more than to the Oriental. There is high primitive authority for reckoning a man's

δεκάτας ἐκεῖ τῷ ἄρμωστῇ κατατιθεῖς τούτων ἀκριβῶς,  
 129 τὴν δέ γ' ἐνθάδε θεόν, πρεσβευτὴς ἀξιωθεὶς εἶναι ὑφ'  
 ὑμῶν, ἀποστερῶν τὰς ἀπὸ τῶν ὑμετέρων πολεμίων  
 δεκάτας; ἔπειτα ταμιεύσας ἐν ἀκροπόλει τὰριστεῖα τῆς  
 πόλεως, ἃ<sup>ε</sup> ἔλαβεν ἀπὸ τῶν βαρβάρων, ὑψηρημένος  
 ἐξ ἀκροπόλεως, τόν τε δίφρον τὸν ἀργυρόποδα καὶ

<sup>ε</sup> ἃ om. Bens. cum Σ.

'wife' as simply the first item in the contents of his 'house.'

ἐκεῖ τῷ ἄρμωστῇ] The har- most of the Peiraeus after the surrender of Athens; the name would not be applied to the commander of the garrison at Decelea. It thus becomes less easy to fix the exact time to which Demosthenes is referring: probably he does not fix it himself, but seizes the opportunity of bringing in the obnoxious word ἄρμωστής.

§ 129. ταμιεύσας ἐν ἀκρο- πόλει] 'when he was treasurer in the Acropolis:' *Dict. Antiq.* s. v. 'Tamias.' ταμιεύειν = τα- μίας εἶναι naturally takes a genitive like βασιλεύειν: thus we have in *Mid.* p. 570 § 173 τῆς παράλου ταμιεύσας. L. and S. cannot be right in joining τὰριστεῖα to ταμιεύσας, as if these particular objects were under his care: he was ταμίας τῆς θεοῦ, i.e. of the Acropolis and all that it contained. There is, I believe, only one certain example in prose of ταμιεύειν with acc. = διοικεῖν, *Lys. Or.* 21 § 14 τῶν τὰ τῆς πόλεως ὑμῖν ταμιεόντων: in other passages it has been taken thus, but may (and I think ought to) be other- wise explained. These are *Lys. de Bonis Aristoph.* § 40 ὃς ἐφύ- λαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ: *Plat. Rep.* v. 465

ὃ τὰ δὲ...ταμιεύειν παραδόντες. In the former passage πάντα may be joined to ἐφύλαττε, the words καὶ ἐταμίευε coming in as an afterthought (cf. *Androt.* § 4 n. πλάττων καὶ παράγων). In the latter, the construction of course is, τὰ δὲ παραδόντες ὥστε ταμιεύειν. It is important, when occasion offers, to justify the general rules of Greek verb-formation: one of the broadest of these is that verbs in -εύω are intransitive, and any ap- parent exceptions should be narrowly watched. ματεύω is (1) not derived from a noun (2) not a prose word: for μαστεύω in *Xenophon*, see *Rutherford, New Phryn.* p. 171.

ἃ ἔλαβεν ἀπὸ τῶν βαρβάρων] Benseler alone shows his devo- tion to MS. Σ by leaving out ἃ. This reading undoubtedly originated in a desire to fur- nish the sentence with a prin- cipal verb, which at present it is without. Demosth. could not possibly have written τὰριστεῖα τῆς πόλεως ἔλαβεν ἀπὸ τῶν βαρ- βάρων in the sense 'took away the trophies of the state, won from the barbarians:' he would not have used ἔλαβεν in this sense, and he must have said τὰ ἀπὸ τῶν βαρβάρων. It is evident that τὰριστεῖα goes with ὁ ὑψηρη- μένος, as K. and R. W. took it.

τόν τε δίφρον τὸν ἀργυρόποδα]

τὸν ἀκινάκην τὸν Μαρδονίου, ὃς ἦγε τριακοσίους  
 δαρεικούς; ἀλλὰ ταῦτά γ' οὕτω περιφανῇ ἐστὶν ὥστε  
 130 ὡς οὐδεὶς ἀνθρώπων. εἶτα φείσασθαί τινος αὐτῶν  
 ἄξιόν ἐστιν, ὥστε διὰ τούτους ἢ τῶν δεκατῶν τῶν<sup>†</sup>  
 τῆς θεοῦ ἀμελῆσαι ἢ τῆς διπλασίας τῶν ὀσίων χρη-  
 μάτων, ἢ τὸν τούτους πειρώμενον σφῶζειν μὴ τιμωρή-  
 σασθαι; καὶ τί κωλύσει ἅπαντας εἶναι πονηροὺς, ὃ  
 ἄνδρες δικασταί, εἰ διὰ ταῦτα πλέον ἔξουσιν; ἐγὼ  
 μὲν γὰρ οἶμαι οὐδέν.

<sup>†</sup> τῶν om. Z Bekk. Bens. cum ΣFvB.

According to the Scholiast, the throne of Xerxes from which he witnessed the battle of Salamis.

ἀκινάκην] 'The short straight Persian 'sword,' figured in *Dict. Antiq.* s. v. from the bas-reliefs of Persepolis. The common renderings 'scimitar' and 'dagger' (as K.) are less accurate.

ὃς ἦγε τριακοσίους δαρεικούς] 'which weighed 300 darics.' K. by an oversight translates 'was worth:' in Androt. § 76 he has given it rightly] (see the note there). The daric being somewhat heavier than the sovereign, we have upwards of 80 ounces Troy for the weight of the metal: rather too much for a 'dagger.' This trophy was shown to Pausanias (i. 27, 1): whether it was found again, or had never been stolen, or miraculously reappeared like the *Sainte Ampoule* at the coronation of Charles X., it is hardly worth while to inquire.

βλαιο] 'violent:' ready to use force, and take the law into his own hands, rather than as K. 'brutal.'

§ 130. τῶν δεκατῶν τῶν τῆς

θεοῦ] See the various readings. The omission is rather favoured by § 120: the repetition -τῶν τῶν cuts both ways.

τῆς διπλασίας τῶν ὀσίων] § 111 n. τὸν τούτους πειρώμενον σφῶζειν] The return to Timocrates and his law, after this digression upon the three ambassadors, is managed in a way that shows the skilled rhetorician.

πλέον ἔξουσιν] 'if they are to profit by their rascality' (πονηρία): an idiomatic use of πλέον ἔχειν, cf. below § 209. K. should not have indulged in the literalism 'if they get more by it.'

§§ 131—138. Examples of wholesome severity in recent time, measured out to less serious offenders. *The indignation of these men at the prospect of imprisonment is absurd, if you think how common that punishment is, and to whom it is applied (131, 132). In the old times men of high previous reputation were imprisoned, in spite of their former services (133). Names mentioned of cases under the restored democracy: these men knew that the law*

- 131 Μὴ τοίνυν αὐτοὶ διδάσκετε, ἀλλὰ τιμωρεῖσθε. καὶ μὴ ἔατε ἀγανακτεῖν, εἰ δεθῇσονται ἔχοντες τὰ ὑμέτερα, ἀλλ' ἄγεται αὐτοὺς ὑπὸ τοὺς νόμους· οὐδὲ γὰρ οἱ τῆς ξενίας ἀλίσκόμενοι ἀγανακτοῦσιν ἐν τῷ οἰκήματι τούτῳ ὄντες, ἕως ἂν τῶν ψευδομαρτυριῶν ἀγωνίσωνται, ἀλλὰ μένουσι καὶ οὐκ οἶονται δεῖν
- 132 ἐγγυητὰς καταστήσαντες περιμέναι. ἔδοξε γὰρ τῇ πόλει ἀπιστεῖν αὐτοῖς, καὶ οὐκ ᾔετο δεῖν διακρουσθῆναι τῆς τιμωρίας δι' ἐγγυητῶν καταστάσεως, ἀλλ'

*did not allow them to put in bail, and submitted cheerfully (134—136). To wish to bail out Androtion and his fellows is to insult your common sense, and to put a premium on sacrilege (137). Lastly, let me remind you of cases in which such offences were visited with death, or narrowly escaped it (138).*

§ 131. διδάσκετε] sc. τὸ πο-  
νηρὸς εἶναι, through your ill-  
timed leniency.

οἱ τῆς ξενίας ἀλίσκόμενοι] 'those who are by way of being convicted as aliens' by a ξενίας γραφή, for which see *Dict. Antiq.* s. v. The present ἀλίσκόμενοι implies that the conviction has not reached its final stage, but is subject to an appeal.

ἐν τῷ οἰκήματι τούτῳ] It has been thought from the use of τούτῳ that the prison was visible from the dicastery, but this inference seems to me very doubtful. In reality ἐν τῷ οἰκ. τούτῳ is 'in the building in question,' i.e. ἐν τῷ δεσμωτηρίῳ supplied from δεθῇσονται. The secondary senses of οἶκημα are well illustrated in L. and S.: for that = δεσμωτήριον cf. below §§ 135, 136, c. Zenoth. p. 890 § 29, c. Dionysodor. p. 1284 § 4, with Paley's note on the latter pas-

sage.

ἕως ἂν τῶν ψευδομαρτυριῶν ἀγωνίσωνται] 'till after the trial for false testimony' in which they are prosecutors. In cases of ξενία an appeal was allowed on the ground that the witnesses were perjured, but pending such appeal the convicted party had to remain in prison.

μένουσι] Here the sense of μένειν seems to shade off into that of ὑπομένειν: 'they bear it patiently and do not think that they ought (to be allowed) to go about on giving bail.' In the next section the usual sense of each verb is clearly distinguished.

§ 132. ἀπιστεῖν] The penalty being slavery with forfeiture of goods, the terror of exile, so effective in keeping citizens to their bail (§ 125 n.), would afford no adequate security.

διακρουσθῆναι τῆς τιμωρίας] The 1 aor. pass. of middle verbs is almost always passive in meaning; and the right rendering is 'she (the State) considered that she ought not to be cheated out of her vengeance,' with Reiske's Index, K., and Benseler, rather than as L. and S. 'that they ought not to escape punishment.' On δια-



ἐνταῦθα μένειν αὐτοὺς οὐ καὶ ἄλλοι πολλοὶ τῶν πολιτῶν. καίτοι καὶ ἐπὶ χρήμασιν ἤδη τινὲς<sup>§</sup> ἐδέθησαν καὶ ἐπὶ κρίσεσιν, ἀλλ' ὅμως ὑπέμενον. ἀηδὲς μὲν οὖν ἴσως ἐστὶν ὀνομαστὶ περί τινων μεμνήσθαι, ἀναγκαῖον δὲ παρεξετάσαι αὐτοὺς παρὰ τούτους.

133 τοὺς μὲν οὖν πρὸ Εὐκλείδου ἄρχοντος ἑάσω καὶ τοὺς 742 σφόδρα παλαιούς. καίτοι κατὰ τοὺς χρόνους οὗς<sup>h</sup> ἕκαστοι αὐτῶν ἦσαν, πολλοῦ ἄξιοι δοκοῦντες γεγενῆσθαι τὸν ἔμπροσθεν χρόνον ὅμως<sup>i</sup> ἰσχυρᾶς παρὰ τοῦ δήμου ὀργῆς ἐτύγχανον ἐπὶ τοῖς ὕστερον γιγνομένοις ἀδικήμασιν. οὐ γὰρ χρόνον τινὰ δικαίους ᾤετο δεῖν αὐτοὺς ἢ πόλις εἶναι, εἴτα κλέπτας, ἀλλὰ περί γε τὰ κοινὰ αἰεὶ δικαίους. ἐδόκει γὰρ τὸν ἔμπροσθεν χρόνον οὐ φύσει, ἀλλ' ἐπιβουλεύων, τοῦ πιστευθῆναι,

<sup>§</sup> τινὲς om. Bens. cum ΣΑΩΤkr.

<sup>h</sup> καθ' οὗς Z Bekk.

<sup>i</sup> ὁμοίως Z Bens. cum Σ.

κρούεσθαι comp. Shilleto on F. L. §§ 37, 185. παρακρούεσθαι bears nearly the same sense, and is frequent in Demosth. e.g. Androt. § 39, above § 37.

ἀηδὲς ... ὀνομαστὶ ... μεμνήσθαι] ἀηδὲς is here as nearly as possible = ἐπιφθονον, of an unpleasant, invidious duty. Cf. Mid. p. 533 § 58 παραιτήσομαι δ' ὑμᾶς μηδὲν ἀχθεσθῆναι μοι, εἰάν ἐπὶ συμφοραῖς τινῶν γεγονότων ὀνομαστὶ μνησθῶ. On the other hand, ἀηδὲς of persons is one who wilfully makes himself disagreeable or 'nasty.' c. Everg. et Mnes. p. 1147 § 28 πρὶν μὲν εἰσαχθῆναι εἰς τὸ δικαστήριον ἦν ἀηδὲς. For the habit of apologising for naming men in public, Androt. § 55, below § 200.

§ 133. πρὸ Εὐκλείδου] Above, § 42 n. To Demosthenes, the recent history of Athens began with the restored (and since

unbroken) democracy. In Androt. § 16 we have seen the war of Decelea called ἐν τῶν ἀρχαίων.

τοὺς σφόδρα παλαιούς] Among these the instance of Miltiades is conspicuous, Grote, ch. 36 (III. 312 ff.). The remarks on pp. 319—20 on the 'usual temper of Athenian dikasts in estimating previous services,' and on the 'tendency of eminent Greeks to be corrupted by success,' are well worth reading in connexion with the present section.

ἰσχυρᾶς ... ἀδικήμασιν] 'met with great severity from the people for their subsequent offences.'

ἐπιβουλεύων, τοῦ πιστευθῆναι] = ἕνεκα τοῦ πιστευθῆναι or ἵνα πιστευθεῖεν. On this gen. of the cause or aim of the action, see Madvig. *Synt.* § 170, above

- 134 δίκαιος γεγονέναι ὁ τοιοῦτος ἄνθρωπος. ἀλλὰ μετ' Εὐκλείδην ἄρχοντα, ὃ ἄνδρες δικασταί, πρῶτον μὲν Θρασύβουλον τὸν Κολλυτέα πάντες μέμνησθε δις δεθέντα καὶ κριθέντ' ἀμφοτέρας τὰς κρίσεις ἐν τῷ δήμῳ· καίτοι τῶν ἐκ Πειραιῶς καὶ ἀπὸ Φυλῆς οὗτος ἦν. ἔπειτα Φιλέψιον τὸν Λαμπτρέα. ἔπειτα Ἀγύρ-

§ 36 n. ἐπιβουλεύων is 'with a sinister design,' not simply 'by design.' The notion is a peculiarly Greek one, and surprising in a people who had before them so many examples of the real nature and workings of ambition.

§ 134. Θρασύβουλον τὸν Κολλυτέα] *Dict. Biogr.* Thrasybulus, no. 5. This namesake and associate of the more eminent Thrasybulus (no. 4, ὁ Λύκων, Στειριεύς) is usually distinguished by the name of his deme, omitted in the case of the other. He may easily have been identical with the son of Thraso, who procured the removal of Alcibiades from his command after the battle of Notium (no. 3); and, as Dindorf and Clinton hold, with the Thrasybulus mentioned among *ρήτορες ἐνδοξοὶ καὶ μεγάλοι* de Cor. p. 301 § 219. The great Thrasybulus had also a son of the same name, whose condemnation to a fine of ten talents affords Demosth. another example, together with a descendant of 'Harmodius and Aristogiton' (!), of the impartiality of Athenian justice, de F. L. p. 431 § 280=320. Another Thrasybulus of Collytus is mentioned as an ambassador to Thebes in Aeschin. c. Ctes. § 138: he must have been a contemporary of Aeschines and Demosthenes, and clearly different from the man now before us.—

The form Κολλυτεὺς is attested only by Σ, Κολλυτεὺς by the MSS. of other authors besides Demosth. This is just a case where inscriptions help us: and those printed in Ross's *Demen von Attica* and Rhangabé's *Antiquités Helléniques* (about six in all) agree in the form Κολλυτεὺς.

κριθέντ' ἀμφοτέρας τὰς κρίσεις] 'condemned on both occasions.' For κρίνειν = κατακρίνειν cf. [Demosth.] *περὶ τῶν πρὸς Ἀλέξανδρον* p. 215 § 12 τοὺς μὲν κεκριμένους ἐν τοῖς δικαστηρίοις ἀφιέντες: de Cor. *Trierarch.* p. 1230 § 9 θανάτου κρίναντες.

τῶν ἐκ Πειραιῶς καὶ ἀπὸ Φυλῆς] This became a stock phrase for the liberators of Athens from the Thirty. The seizure of Phyle by Thrasybulus is first mentioned Xen. *Hell.* ii. 4 § 2: the night march to the Peiraeus, the next step in the recovery of the city, *ibid.* § 10. Xenophon observes the same distinction of prepositions as the present passage: the same men are called οἱ ἀπὸ Φυλῆς §§ 10, 12, and after they had established themselves οἱ ἐκ τοῦ Πειραιῶς §§ 25, 26. (In the intervening §§ 19, 23 οἱ ἐν Πειραιεῖ are those who held the place in the oligarchical interest against the liberators.) Compare Grote ch. 65, Vol. v. p. 585, where the passages relating to Phyle are collected in a note.

Φιλέψιον τὸν Λαμπτρέα] The

ριον τὸν Κολλυτέα, ἄνδρα<sup>k</sup> χρηστὸν καὶ δημοτικὸν  
καὶ περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα·  
135 ἄλλ' ὅμως τοὺς νόμους ᾤετο δεῖν καὶ αὐτὸς ἐκείνος  
ὁμοίως, ὥσπερ ἐπὶ τοῖς ἀδυνάτοις, οὕτω καὶ ἐφ'  
αὐτῷ ἰσχύειν, καὶ ἐγένετο ἐν τῷ οἰκήματι τούτῳ  
πολλὰ ἔτη, ἕως τὰ χρήματα ἀπέτεισεν ἃ ἔδοξε τῆς  
πόλεως ὄντ' ἔχειν· καὶ ἐπ' ἐκείνῳ Καλλίστρατος  
δυναμένος καὶ ἀδελφιδοῦς ὦν αὐτοῦ οὐκ ἐτίθει νό-  
μους. καὶ Μυρωνίδης ὁ Ἀρχίνου υἱὸς τοῦ καταλα-

<sup>k</sup> ἄνδρα καὶ Z Bens. cum ΣΤΩρ.

man is not mentioned elsewhere: his deme Lamptra was also that of Archebius the trierarch, § 11 n.

[Ἀγύρριον τὸν Κολλυτέα] It suits Demosthenes' argument to represent him as 'an honest man, and one of popular sympathies;' *δημαγωγῶν οὗτος οὐκ ἀφανής*, Harpocrat. s.v. The nature of his debts to the public may be gathered from Andoc. de Myst. § 133, where he is described ironically as *καλὸς κἀγαθός* and as an *ἀρχώνης*, or chief among the *τελῶναι*, driving hard bargains with the treasury. If he was really the originator of the distribution of the Theoric fund among the people, as Harpocration states, and increased the *μισθὸς ἐκκλησιαστικός* to three obols (*Dict. Biogr.* s.v.), he might well be called *περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα*.

§ 135. *ἐπὶ τοῖς ἀδυνάτοις* 'in the case of the uninfluential' or humble. A more usual sense is that of 'invalids' or infirm paupers, for which see *Dict. Antiq.* s.v. 'Adynati.'

*ἐγένετο...πολλὰ ἔτη* Doubtless an exaggeration, like *πολ-*

*λὰς πεντετηρίδας* § 125, where see the note.

*ἐπ' ἐκείνῳ*] K. translates 'in his favour,' having just rendered the word 'against.' The sense 'applying to,' as in §§ 18, 59, covers both these meanings.

*Καλλίστρατος*] The well-known orator, son of Callicrates of Aphidna (no. 4 in *Dict. Biogr.*). His fate has been already touched upon, Androt. § 66 n. He was nephew of Agyrrhius by the mother's side, as Benseler rightly infers: as his brother's son he would of course have been of the same deme.

*καὶ Μυρωνίδης ὁ Ἀρχίνου*] We must supply *ἐγένετο ἐν οἰκήματι τούτῳ*. Nothing further is recorded of this Myronides: his father is a man of whom we would gladly know more. It is remarked in *Dict. Biogr.* s.v. Archinus, with reference to the present passage: 'Although the name of Archinus is obscured in history by that of Thrasybulus, yet we have every reason for believing that he was a better and a greater man.' The same writer (Mr Elder) makes the probable suggestion, in which he is followed by R. W.,

- βόντος Φυλὴν καὶ μετὰ γε τοὺς θεοὺς αἰτιωτάτου  
 ὄντος τῆς καθόδου τῷ δήμῳ καὶ ἄλλα πολλὰ καὶ  
 καλὰ πεπολιτευμένοι καὶ ἐστρατηγηκότες πολλάκις.  
 136 ἀλλ' ὅμως ἅπαντες οὗτοι ὑπέμενον τοὺς νόμους. καὶ οἱ  
 ταμίαι ἐφ' ὧν ὁ Ὀπισθόδομος ἐνεπρήσθη, καὶ οἱ τῶν 743  
 τῆς θεοῦ καὶ οἱ τῶν ἄλλων θεῶν, ἐν τῷ οἰκήματι  
 τούτῳ ἦσαν, ἕως ἡ κρίσις αὐτοῖς ἐγένετο. καὶ οἱ  
 περὶ τὸν σίτον ἀδικεῖν δόξαντες, καὶ ἄλλοι πολλοί,  
 ὧ ἄνδρες δικασταί, πάντες βελτίους Ἀνδροτίωνος  
 137 ὄντες. εἶτα τούτοις μὲν ἔδει κυρίους τοὺς πάλαι

that he may have been the son of Myronides who won the battle of Oenophyta in B.C. 456, and that this Myronides may have been named after his grandfather according to the very common custom (s. v. Myronides). [One or two new facts about Archinus are preserved in Aristotle, 'Aθ. πολ. 40 §§ 1, 2.]

§ 136. ταμίαι... οἱ τῶν τῆς θεοῦ] sc. χρημάτων, and so = ἐν ἀκροπόλει § 129. The phrase occurs in a law ap. Demosth. c. Macart. p. 1075 § 71.

ὁ Ὀπισθόδομος] Unquestionably the inner or western cella of the Parthenon itself, though other temples of Athena have been suggested (Boeckh, *P. E.* p. 441 f. = *Sthh.*<sup>3</sup> i. 517 f.). The existing structure of the Parthenon bears, it is believed, no traces of rebuilding after a fire: but the damage may after all have been slight, as ἐνεπρήσθη need only imply 'set on fire' not 'burnt down' (κατακαυθέν, Thucyd. iv. 30 § 2: ἀφθέντα καὶ καταφλεχθέντα ib. 133 § 2). The conflagration is not mentioned elsewhere: the account of it by the Scholiast Ulpian is amusing, if of doubtful authenticity. The ταμίαι, he tells us, had lent the

sacred treasure to the bankers on their own account: the banks subsequently broke (ἔτυχεν ὕστερον ἀνατραπῆναι τὰς τραπέζας), and the ταμίαι set the temple on fire in the hope of concealing the transaction! If we may trust the author of the speech περὶ συντάξεως, the Athenians, on any suggestion that the treasures of the Opisthodomos had been tampered with, forgot their usual humanity (ἀνέψαξαν δὴ πονυρῶν τινέστων Ὀπισθόδομον... μαστιγοῦν, στρεβλοῦν πάντες ἐβδών, λέγοντες τὸν δῆμον καταλύεσθαι, p. 170 § 14).

ἕως ἡ κρίσις αὐτοῖς ἐγένετο] This is quite natural. But 'penal servitude,' and the Bastilles or state prisons of arbitrary governments in modern times, were, I repeat, unknown to the Athenians.

περὶ τὸν σίτον ἀδικεῖν] i.e. by 'forestalling and regrating,' as to which the political economy of the Athenians was as backward as that of modern Europe, including England, until quite recent times. See Lys. Or. 22 κατὰ τῶν σιτοπωλῶν passim, and especially § 6, τὸν νόμον δὲ ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείω σίτον πεντήκοντα φορμῶν

κειμένους νόμους εἶναι, καὶ δεδωκέναι δίκην αὐτοῖς κατὰ τοὺς ὑπάρχοντας νόμους· δι' Ἀνδροτίωνα δὲ καὶ Γλαυκέτην καὶ Μελάνωπον καινὸν δεῖ γενέσθαι νόμον, διὰ τοὺς ἐαλωκότας καὶ ψήφῳ κεκριμένους κατὰ τοὺς πάλαι κειμένους νόμους καὶ δόξαντας ἔχειν ἱερὰ χρήματα καὶ ὅσια ; εἴτ' οὐ καταγέλαστος δόξει ἡ πόλις εἶναι, εἰ τοῖς ἱεροσύλοις, ὅπως σωθήσονται, 138 νόμον φανεῖται τιθεμένη ; ἔγωγ'<sup>1</sup> οἶμαι. μὴ τοίνυν ἐάσῃθ' ὑμᾶς αὐτοὺς ὑβρίζεσθαι μηδὲ τὴν πόλιν, ἀλλὰ μνησθέντες ὅτι Εὐδημον τὸν Κυδαθηναῖα<sup>m</sup> νόμον δόξαντα θεῖναι οὐκ ἐπιτήδειον, οὐ πάλαι, ἀλλ'

<sup>1</sup> ἔγωγ' μὲν Bl. cum ks.<sup>m</sup> -αῖα Z Bekk.

συνωνεῖσθαι. Also Boeckh *P.E.* bk. i. c. 15, who observes in note 375 that the *φορμὸς* was probably not very different from the *medimnus*. The penalty was death; as also *εἴ τις οἰκῶν Ἀθήνησιν ἄλλοσέ ποι σιτηγήσειεν ἢ εἰς τὸ Ἀττικὸν ἐμπόριον*, Demosth. adv. Phorm. p. 918 § 37, adv. Laer. p. 941 § 50, Lyeurg. c. Leocr. § 27. Boeckh, whose book was first published in 1817, calls these restrictions 'judicious,' *P.E.* p. 81 = *Sthh.*<sup>3</sup> i. 103. Prof. Mahaffy, *Social Life in Greece* p. 403 ff., criticises the Athenian corn laws in the true spirit of political economy. Comp. above, § 63 n.

§ 137. *δεδωκέναι δίκην*] The perf. inf. is rare after *εἶδει*, which like *debeam*, *oportebat* usually takes the pres. inf. of past events; but it serves to mark the time more distinctly: 'was it right that the old-established laws should be in operation for these persons—that they should have suffered punishment.' K. *κατὰ τοὺς ὑπάρχοντας νόμους*] These words are certainly super-

fluous, as Dobree argues, after *τοὺς κειμένους νόμους*. But tautology is not unfrequently a form of emphasis; and the phrase is repeated a third time below.

*διὰ τοὺς ἐαλωκότας*] Dindorf alone among editors follows Dobree in expunging *διὰ*, and writes *ἡλωκότας* according to his invariable rule. Above, § 77.

§ 138. *μὴ τοίνυν ἐάσῃτε...μνησθέντες...ταύτην τὴν ὀργὴν καὶ νῦν ἐπὶ τουτονὶ λάβετε*] This long sentence is rightly broken up into three by K. 'Do not then allow yourselves or the commonwealth to be insulted. Remember that, &c. Bear this in mind, and show the same spirit now against the defendant.' Above, § 36 n.

*Κυδαθηναῖα*] This, the true Attic form, is found in no MS., but *Κυδαθηνεα* the reading of Σ and one other is a vestige of it. Cobet lays down the rule in several passages of his *Var. Lect.*: in p. 326 he writes 'Apolonius Dyscolus de Pron. p. 126 Bekk. Ἀττικοὶ Εὐβοᾶς φασιν, at



ἐπ' Εὐάνδρου ἄρχοντος, ἀπεκτείνετε, καὶ Φίλιππον τὸν Φιλίππου τοῦ ναυκλήρου υἱὸν μικροῦ μὲν ἀπεκτείνετε, χρημάτων δὲ πολλῶν αὐτοῦ ἐκείνου ἀντιτιμωμένου παρ' ὀλίγας ψήφους ἐτιμήσατε<sup>n</sup>, ταύτην τὴν ὀργὴν καὶ νῦν ἐπὶ τουτονὶ λάβετε, ἐκείνο πρὸς τούτοις ἅπασιν ἐνθυμηθέντες, τί ποτ' ἂν ἐπάθετε

<sup>n</sup> ἡτιμώσατε Bekk. cum libris praeter Σ.

non in Codd. nostris: cf. pp. 124, 154. The form Πειραιᾶ is regularly preserved by the copyists; but they seem to have thought this word exceptional, and in the genitive vary between Πειραιέως and Πειραιῶς, whereas the rule of contraction is general for nouns in εὖς *praecedente vocali*.

ἐπ' Εὐάνδρου ἄρχοντος] Ol. 99, 3 = B.C. 382—1. The mutilated speech of Lysias against Evander, Or. 26, was written for a speaker who attempted to prove on the δοκιμασία that he was ineligible. The Athenian constitution, like the American in presidential elections, provided a 'reserve man;' Leodamas drew the first lot, Evander ἐπέλαχε: the former was rejected on the scrutiny, Evander though opposed was successful. Cf. Jebb, *Att. Or.* i. 242.

Φίλιππον τὸν Φιλίππου τοῦ ναυκλήρου] The father is mentioned in the speech adv. Timoth. p. 1188 § 14 ff.

παρ' ὀλίγας ψήφους ἐτιμήσατε] It is not too much to say that the reading here preserved by MS. Σ *contra mundum* is the only one which explains the whole passage clearly and consistently. The sense of παρ' ὀλίγας ψήφους has been established on Androt. § 3 and is the key to the rest. Having

mentioned the case of Eudemus who was actually put to death, the orator goes on to that of Philip, who very nearly (μικροῦ) underwent the same penalty. When the defendant offered to pay a heavy fine as an alternative (ἀντιτιμωμένου) 'you by a narrow majority assessed the penalty (at the sum named by him).' So Benseler: 'mit geringer Mehrheit um eine grosse Summe straftet.' This usage of παρ' ὀλίγας once misunderstood, ἐτιμήσατε was sure to be altered. According to the reading ἡτιμώσατε, the choice of the jury lay between Atimia demanded by the prosecutor and the sum offered by the defendant; 'you were within a few votes of disfranchising him.' The fact that the defendant's proposal was accepted remains the same; but upon this view what becomes of μικροῦ μὲν ἀπεκτείνετε?

G. H. Schaefer read ἐτιμήσατε, but from not perceiving the sense of παρ' ὀλίγας has missed the meaning of the passage: 'per pauca suffragia stetit quominus ingenti pecunia reus multaretur;' whereas the fine was carried. It is a well-known rule of Attic law that the jury had to choose one or other of the two propositions of the plaintiff and defendant, and were not at liberty to mediate

ὑπὸ τούτου αὐτοῦ, εἰ οὗτος εἰς ὃν ἐπρέσβευσεν<sup>nn</sup> ὑπὲρ ὑμῶν. οἶμαι γὰρ τοιοῦτον οὐδὲν εἶναι ὅτου ἂν ἀπέσχετο. ὁρᾶτε δὲ τὴν διάνοιαν αὐτοῦ· ὁ γὰρ νόμος, ὃν ἐτόλμησε θεῖναι, τὸν τρόπον αὐτοῦ δείκνυσιν.

139 Βούλομαι δ' ὑμῖν, ὦ ἄνδρες δικασταί, ἐν Λοκροῖς ὡς νομοθετοῦσι διηγήσασθαι· οὐδὲν γὰρ χείρους ἔσθε παράδειγμά τι ἀκηκοότες, ἄλλως τε καὶ ὃ πόλις 744

<sup>nn</sup> ἐπρέσβευσεν Weil cum krs. ἐπρέσβευεν cett.

between them. Hence the latter would in general fear to irritate his judges, as Socrates did, by putting the damages too low (Plato, *Apol.* 38 B; Xen. *Apol.* § 23). This rule is well discussed by Kennedy, *App.* xii. to *Select Speeches*: he shows that it was rendered necessary by the immense numbers of Athenian juries. It prevailed also in civil actions, which however might be settled at any moment by arrangement between the parties even after the trial had begun.

ἐπρέσβευσεν] In the former edition I noticed this as probably the right reading. The sense required is 'if he had been your ambassador,' not 'if he were now:' and it is in keeping with ἐπάθετε. On εἰς ὃν it is worth noticing that such a contingency never in fact occurred: we never read of a single ambassador, at least from Athens. There were always at least two, sometimes, as in the embassy to Philip, immortalised by Demosthenes and Aeschines, as many as ten. According to a story twice told by Plutarch, *de Garrul.* p. 511 A, *Demetr.* 42, king Demetrius expressed surprise at receiving only a single ambassador from Sparta: the

laconic answer was, "Ἐνα ποτὶ ἔνα. But in Thucyd. ii. 67 the Spartan embassy to Persia consists of three envoys, besides representatives of their allies.

τοιοῦτον οὐδὲν εἶναι] The order of these three words varies in the MSS., but all preserve τοιοῦτον as the neuter form. Cf. *Androt.* § 2 n.

§§ 139—143. *The well-known story illustrating the permanence of the laws (of Zaleucus) at Locri in Italy, contrasted with the incessant legislative changes at Athens, under the influence of the orators and for their sole benefit.*

§ 139. ἄλλως τε καὶ ὃ i.e. παραδείγματι, 'especially an example which a well-governed state follows.' The good government of Locri is attested by Pindar, *Ol.* x. 17 νέμει γὰρ Ἀτρεΐκεια πόλιν Λοκρῶν Ήρην, and by Plato, *Tim.* 20 A Τίμαιός τε γὰρ ὅδε, εὐνομωτάτης ὦν πόλεως τῆς ἐν Ἰταλίᾳ Λοκρίδος. It needs hardly be said that the spirit of Zaleucus was as different as possible from that of Bentham: 'order' in the sense of Metternich and the Czar Nicholas, not individual happiness, is what is meant by εὐνομία. His laws were severe

εὐνομουμένη χρήται. ἐκεῖ γὰρ οὕτως οἴονται δεῖν τοῖς πάλαι κειμένοις χρῆσθαι<sup>ο</sup> νόμοις καὶ τὰ πάτρια περιστέλλειν καὶ μὴ πρὸς τὰς βουλήσεις μηδὲ πρὸς τὰς διαδύσεις<sup>ρ</sup> τῶν ἀδικημάτων<sup>α</sup> νομοθετεῖσθαι, ὥστ' ἐάν τις βούληται νόμον καινὸν τιθέναι, ἐν βρόχῳ τὸν τράχηλον ἔχων νομοθετεῖ, καὶ ἐὰν μὲν δόξῃ καλὸς καὶ χρήσιμος εἶναι ὁ νόμος, ζῆ ὁ τιθεὶς καὶ ἀπέρχεται, εἰ  
140 δὲ μή, τέθνηκεν ἐπισπασθέντος τοῦ βρόχου. καὶ γάρ τοι καινοὺς μὲν οὐ τολμῶσι τίθεσθαι νόμους<sup>τ</sup>, τοῖς

<sup>ο</sup> χρῆσασθαι Z cum Σ. <sup>ρ</sup> διαλύσεις Bens. cum ΣFTΩν. <sup>α</sup> ἀδικησάντων Bekk. e conl. Saupp. <sup>τ</sup> νόμους om. Z Bekk. Bens. cum ΣksA'. τιθέναι Bl.

(Ζαλεύκου νόμος· ἐπὶ τῶν ἀποτόμων, Zenob. Cent. iv. 10, also in Diogenian. Cent. iv. 94) and anti-commercial (Λοκρῶν συνθήκαι, Zenob. Cent. v. 4). The date 660 B.C. for this legislation, given by Eusebius, is accepted by Clinton *F. H. sub anno*: the foundation of the city was perhaps fifty years earlier.

οὕτως οἴονται] 'so strong is their conviction,' R. W., 'steht der Grundsatz so fest,' Benseler.

τὰ πάτρια περιστέλλειν] 'that they ought to cherish their hereditary institutions, and that there should be no legislation to please individuals or for easy compromise with crime.' For the sense of περιστέλλειν cf. *pro Phorm.* p. 958 § 47 κοσμεῖν καὶ περιστέλλειν explained by Paley and Sandys. There can be little doubt that νομοθετεῖσθαι is passive and impersonal: as a dep. middle it is not found in the Orators, and is rare in Plato (*Rep.* iii. 398 B, *Laws* v. 736 C).

The rendering just given follows Benseler in preferring the reading διαλύσεις for διαδύσεις, as not only supported by Σ and

most MSS. (a point of minor importance when the difference is only between Λ and Δ), but in every way more appropriate. As might be expected, the words are constantly interchanged in the MSS. as in § 94 above, where τῶν παρ' ἡμῶν πονηρῶν διαδύσεις 'shifts' or 'evasions,' is the right word as applied to persons, διαλύσεις an ill-supported variant. Hence Sauppe, whom Bekker follows in his last edition, conjectured ἀδικησάντων for ἀδικημάτων in the present passage. This is unnecessary, since διαλύσεις τῶν ἀδικημάτων here yields an excellent sense: διάλυσις is used of any settlement or compromise, especially upon amicable terms, as of a reconciliation between enemies, c. *Mid.* p. 553 § 119; a composition of a money claim, c. *Nausim.* p. 988 § 13, c. *Spud.* p. 1032 § 16.

τέθνηκεν] 'the noose is drawn to, and he dies at once,' 'is a dead man.' On this use of the perfect see Madvig, *Synt.* § 171: and a note on *Plat. Protag.* 328 B.

δὲ πάλαι κειμένοις ἀκριβῶς χρῶνται. ἐν<sup>s</sup> πολλοῖς δὲ πάνυ ἔτεσιν, ὧ ἄνδρες δικασταί, εἷς λέγεται παρ' αὐτοῖς νόμος καινὸς τεθῆναι. ὄντος γὰρ αὐτόθι νόμου, εἴν τις ὀφθαλμὸν ἐκκόψῃ, ἀντεκκόψαι παρασχεῖν τὸν ἑαυτοῦ, καὶ οὐ χρημάτων τιμίσεως οὐδεμίας, ἀπειλῆσαί τις λέγεται ἐχθρὸς ἐχθρῷ ἕνα ἔχοντι  
 141 ὀφθαλμὸν ὅτι αὐτοῦ ἐκκόψει τοῦτον τὸν ἕνα. γενομένης δὲ ταύτης τῆς ἀπειλῆς χαλεπῶς ἐνεγκὼν ὁ ἑτερόφθαλμος, καὶ ἡγούμενος ἀβίωτον αὐτῷ [εἶναι] τὸν βίον τοῦτο παθόντι, λέγεται τολμῆσαι νόμον εἰσε-

<sup>s</sup> καὶ ἐν Z Bens. cum Σ.

§ 140. ἀκριβῶς χρῶνται] 'keep strictly to.' In omitting νόμους, the Zurich Editors and Benseler as usual follow Σ more closely than Bekker and Dindorf. Blass goes a step further, and writes τιθέναι.

ἀντεκκόψαι παρασχεῖν τὸν ἑαυτοῦ] 'he should allow his own eye to be knocked out in return.' For the act. infin. after παρασχεῖν in this sense cf. Thucyd. viii. 50 § 5 ὅτι ὅλον τὸ στράτευμα τὸ τῶν Ἀθηναίων ἐτοίμος εἶη παρασχεῖν αὐτοῖς διαφθεῖραι. Violent blinding is always expressed by ἐκκόπτειν: the phrase in Demosth. c. Conon. p. 1269 § 39 Ἀριστοκράτην τὸν τοὺς ὀφθαλμοὺς διεφθαρμένον was formerly quoted in illustration of the καρνατιστῆρες ὀφθαλμωρύχοι of Aesch. Eum. 186, but is now rightly explained of a man who had bad or diseased eyes. Such a law could never have obtained in the more civilised parts of Greece: these and all other mutilations were regarded as Oriental, utterly abhorrent to Greek manners.

οὐ χρημάτων τιμίσεως οὐδεμίας] sc. οὔσης, which is easily

supplied from ὄντος above.

§ 141. ὁ ἑτερόφθαλμος] The story told by Aelian, V. H. xiii. 24, whether true or not, shows the curious notions held in ancient times as to literal compliance with the law. According to this, the penalty of adultery was the loss of the eyes: and the son of Zaleucus having become liable to this penalty, the father submitted to the loss of one eye that his son might not be utterly blind. The same story is told by Valerius Maximus, v. 5 § 3.

αὐτῷ εἶναι τὸν βίον] The varying order of these words in the MSS. may justify a suspicion that τὸν βίον was originally absent, and ἀβίωτον used absolutely as in Eur. Ion 670 ἀβίωτον ἡμῖν. Both constructions were in use; ἀβίωτον εἶναι μοι πέπολκε τὸν βίον Aristoph. Plut. 969, κατακονὰ μὲν οὖν ἀβίωτος βίον Eur. Hipp. 821, ἀβίωτος βίον τύχα id. 867.

τοῦτο παθόντι] The participle of course expresses an 'if:' the assault had not yet been committed.

νεγκεῖν, εἰάν τις ἓνα ἔχοντος ὀφθαλμὸν ἐκκόψῃ, ἄμφω  
 ἀντεκκόψαι παρσχεῖν, ἵνα τῇ ἴσῃ συμφορᾷ ἀμφο-  
 142 τεροὶ χρώνται. καὶ τοῦτον μόνον λέγονται Λοκροὶ  
 θέσθαι τὸν νόμον ἐν πλεῖν ἢ διακοσίοις ἔτεσιν. οἱ  
 δὲ παρ' ἡμῖν ῥήτορες, ὧς ἄνδρες δικασταί, πρῶτον μὲν  
 ὅσοι μῆνες μικροῦ δέουσι νομοθετεῖν τὰ αὐτοῖς συμ-  
 φέροντα, ἔπειτ' αὐτοὶ μὲν τοὺς ἰδιώτας εἰς τὸ δεσμο-  
 τήριον ἄγουσιν ὅταν ἄρχωσιν, ἐφ' ἑαυτοῖς δ' οὐκ  
 οἴονται δεῖν ταῦτ' οὐδὲν δίκαιον τοῦτ' εἶναι· ἔπειτα τοὺς  
 μὲν τοῦ Σόλωνος νόμους τοὺς πάλαι δεδοκιμασμένους, 745  
 οὓς οἱ πρόγονοι ἔθεντο, λύουσιν αὐτοί, τοῖς δ' ἑαυτῶν,

ἐν πλεῖν ἢ διακοσίοις ἔτεσιν] πλέον Σ, πλείοσιν ceteri. The Attic form πλεῖν (before ἦ) is well known to readers of Aristophanes and the Comic Fragments, where it has been protected by the metre, but has disappeared from prose, as Cobet tells us *Var. Lect.* p. 237, *Nov. Lect.* p. 622, except in one passage of a single manuscript. This is Demosth. de F. L. p. 413 § 230=255, where Σ alone has preserved πλεῖν ἢ μυρίους. Acting on this hint, Dindorf has 'raised the standard' (*signum sustulit*) of revolt against the MSS. and has corrected many passages in Demosth. of which Cobet gives a list: c. Lept. p. 503 § 152 πλεῖν ἢ ἅπαξ, c. Mid. p. 570 § 173 πλεῖν ἢ πέντε τάλαντα, c. Aristocr. p. 657 § 10 πλεῖν ἢ τριακόσια τάλαντα, p. 669 § 149 πλεῖν ἢ τρία ἔτη (scribendum τρὶ ἔτη Cobet) and seven other passages in the private orations. Πλέον (πλεῖον, πλείν) and ἔλαττον (μείον) are used indeclinably before all cases: we have here an example with the dative, and one with

genitive π. Aphob. p. 841 § 18 πλεῖν ἢ δέκα τάλαντων.—διακοσίοις ἔτεσιν need not be taken to imply that no more than 200 years had elapsed between Zaleucus and Demosthenes: see above.

§ 142. ὅσοι μῆνες] Jerome Wolf observes that this is like ὅσαι ἡμέραι, usually written ὅσημέραι. G. H. Schaefer adds ὅποσα (ὅσα L. Dindorf) ἔτη Xen. Rep. Ath. 3 § 4, which Cobet writes also as one word ὅσέτη, *Nov. Lect.* p. 747. In Horace's *quotquot eunt dies* a verb is supplied.

μικροῦ δέουσι νομοθετεῖν] Androt. § 68 n. The personal use of δέω (*want*) is not very rare except in the 2nd sing. δείς. The expression is equivalent to 'they are passing laws almost every month.'

ἐφ' ἑαυτοῖς δὲ... τοῦτ' εἶναι] 'though against themselves they do not think it right that this same principle should hold,' R. W., 'do not choose the same measure of justice to be applied to themselves,' K.

λύουσιν αὐτοί] 'repeal of their own authority.' §§ 38, 123.



οὓς ἐπ' ἀδικία τῆς πόλεως τιθέασι, χρῆσθαι ὑμᾶς  
 143 οἴονται δεῖν. εἰ οὖν μὴ τιμωρήσεσθε τούτους, οὐκ ἂν  
 φθάνοι τὸ πλῆθος τούτοις τοῖς θηρίοις δουλεῦον. εὖ  
 δ' ἴστε, ὦ ἄνδρες δικασταί, ὅτι εἰ μὲν σφόδρ' ὀργί-  
 ζησθε, ἦπτον ἀσελγανοῦσιν, ἂν δὲ μή, πολλοὺς τοὺς  
 ἀσελγεῖς εὐρήσετε καὶ τοὺς ὑβρίζοντας ὑμᾶς ἐπὶ τῇ  
 τοῦ φιλοτιμεῖσθαι προφάσει.

144 Ἴνα δὲ καὶ περὶ ἐκείνου εἶπω τοῦ νόμου, ὦ ἄνδρες

§ 143. οὐκ ἂν φθάνοι...δου-  
 λεῦον] 'it will not be long before  
 they become the slaves of these  
 monsters,' cf. i. Aristog. p. 782  
 § 40 ὥστ' οὐκ ἂν φθάνοι κατα-  
 κοπτόμενος. φθάνειν with a ne-  
 gative is used of that which  
 when it takes place will not  
 take place too soon (Madvig,  
*Synt.* § 177 Rem. 6). The third  
 person occurs in several pas-  
 sages of the orators: Demosth.  
 c. Macart. p. 1073 § 69 οὐκ ἔφθη  
 θεοπόμπος τὴν ἐπιδικασίαν ποιη-  
 σάμενος...καὶ ἐνεδείξατο, 'he had  
 no sooner made good his claim  
 to the inheritance than he show-  
 ed (by bad husbandry) that he  
 did not think it really his own.'  
 c. Theocrin. p. 1319 § 65 οὐ γὰρ  
 ἔφθη μοι συμβᾶσα ἡ ἀτυχία, καὶ  
 εὐθὺς...τούτων τινὲς...ἐπεχείρη-  
 σαν διαφορῆσαι τάνδοθεν. Isocr.  
 Paneg. § 86 οἱ δ' οὐκ ἔφθασαν  
 πειθάνεσθαι καὶ ἤσαν ἡμῖν ἀμυ-  
 νοῦντες. Evag. § 53 οὐκ ἔφθασαν  
 ἀλλήλοις πλησιάσαντες καὶ περὶ  
 πλείονος ἐποίησαντο σφᾶς αὐτοῦς.  
 The second person in the phrase  
 οὐκ ἂν φθάνοις 'you cannot do  
 it too soon' and so, equivalent  
 to an imperative, 'do it at once,'  
 is common in the tragedians:  
 Mr Whiston on the present pas-  
 sage refers to Eur. Alc. 662,  
 Heracl. 720, Troad. 456. A  
 prose example is Xen. Mem. ii.  
 3 § 11 οὐκ ἂν φθάνοις λέγων εἰ

τι ᾗσθησαι με φίλτρον ἐπιστά-  
 μενον.

The word *θηρίον* is freely ap-  
 plied by the orators in invectives:  
 Demosth. c. Phorm. extr.,  
 c. Lacrit. p. 925 § 8. Aeschin.  
 de F. L. § 20, c. Ctes. § 182.  
 Cicero goes a step further in  
 the use of the vocative case:  
 his speech against Piso, in its  
 present defective condition, be-  
 gins with the words 'Iamne vi-  
 des, belua, iamne sentis...?'

ἐπὶ τῇ τοῦ φιλοτιμεῖσθαι προ-  
 φάσει] 'under the pretence of  
 zeal in your service,' K., 'of  
 patriotic ambition,' Benseler  
 more literally.

§§ 144—151. *Anticipation of  
 an objection which he hears Ti-  
 moocrates is about to make—that  
 his law is in accordance with  
 Athenian maxims respecting per-  
 sonal freedom and aversion to  
 arbitrary imprisonment, as shown  
 by an existing law in which the  
 words occur 'Nor will I im-  
 prison any Athenian who shall  
 put in three substantial sure-  
 ties, except in cases of treason-  
 able conspiracy, or default on  
 the part of tax-farmers.'* The  
 clause is really found in the oath  
 taken by members of the Senate,  
 and its object is to check oppres-  
 sive action by those in authority  
 against untried prisoners, lest  
 they should be at a disadvantage

δικασταί, ᾧ ἀκούω μέλλειν παραδείγματι χρῆσθαι  
 τούτον καὶ φήσιν ἀκόλουθον αὐτῷ τεθεικέναι, ἐν ᾧ  
 ἐνι “οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς  
 “τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελούντας, πλὴν ἑάν  
 “τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ  
 “δήμου συνιῶν ἀλῶ, ἢ τέλος<sup>1</sup> πριάμενος ἢ ἐγγυη-  
 “σάμενος ἢ ἐκλέγων μὴ καταβάλλῃ,” ἀκούσατέ μου  
 145 καὶ περὶ τούτου. οὐ γὰρ ἐρῶ ὅτι αὐτὸς Ἀνδροτιῶν

<sup>1</sup> τι add. Dind. cum libris praeter ΣFv.

*in preparing their defence. It does not refer to those tried and convicted, as may easily be proved by reading the Oath of the Heliasts. [The oath is read.] You don't find here, men of the jury, 'Nor will I put any Athenian in bondage.'*

§ 144. παραδείγματι χρῆσθαι ...τεθεικέναι] ‘to quote for a precedent, and say that he has proposed his own in conformity with it,’ K.

τὸ αὐτὸ τέλος τελούντας] sc. αὐτῷ, of the same class with himself, and therefore paying according to the same valuation: a safeguard against putting in ‘men of straw,’ the φαίλους ἀνθρώπους of § 85. This is doubtless said in reference to the classes into which the citizens were divided in the archonship of Nausinicus, when the εἰσφορὰ was placed upon a new footing, and the συμμορίαὶ introduced. For fuller details see references, Androt. § 41 n. I do not think the Scholiast was guilty of the absurdity which Mr Whiston imputes to him, of taking the passage to mean that the collective property of the three sureties was to be equal to that of the defendant. His words are τῶν τριῶν ἐγγυη-

τῶν ἐχόντων τὴν ἴσιν οὐσίαν ἐκείνῳ ᾧπερ ἐγγυῶνται: his meaning would have been clearer if he had said ἐχόντων ἐκάστου, but I believe he understood the expression in the same sense in which modern scholars have taken it.

συνιῶν ἀλῶ] ‘is discovered in a conspiracy,’ R. W., or perhaps ‘arrested,’ as in Androt. § 53. Cf. above § 105 n. This is better than the rendering of K. and Benseler, ‘convicted of conspiracy,’ ‘schuldig befunden.’ As Schoemann pointed out, the context clearly shows that the reference is to untried prisoners: and G. H. Schaefer, in objecting to this ‘Sed ἀλῶναι, quod sciam, non dicitur ἀκριτος,’ unquestionably narrows too much the usage of the verb.

ἢ τέλος πριάμενος] Once more, as in § 40, we have the three classes of persons connected with the farming of taxes and, as such, liable to special penalties. On ἐκλέγων see also Androt. § 48 n.

§ 145. οὐ γὰρ ἐρῶ...νόμου] ‘I will say nothing (though I might) of Androtion’s taking people to prison and putting them in bonds notwithstanding this law,’ K. with whom the

ἦγεν εἰς τὸ δεσμωτήριον καὶ ἔδει τούτου κειμένου τοῦ νόμου, ἀλλ' ἐφ' οἷς κεῖται ὁ νόμος οὗτος, διδάξω ὑμᾶς. οὗτος γάρ, ὡς ἄνδρες δικασταί, οὐκ ἐπὶ τοῖς κεκριμένοις καὶ ἡγωνισμένοις κεῖται, ἀλλ' ἐπὶ τοῖς ἀκρίτοις, ἵνα μὴ διὰ τὸ δεδέσθαι χεῖρον ἀναγκάζονται ἀγωνίζεσθαι ἢ καὶ παντάπασιν ἀπαράσκευοι εἶεν. οὐτοσὶ δέ, ἃ ἐπὶ τοῖς ἀκρίτοις κεῖται, ὡς περὶ ἀπάντων  
 146 εἰρημένα, μέλλει πρὸς ὑμᾶς λέγειν. ὥς δὲ σαφῶς γνῶσεσθ' ὅτι ἀληθῆ λέγω, ἐγὼ ὑμῖν ἐρῶ. οὔτε γὰρ ἂν, ὡς ἄνδρες δικασταί, ἐξῆν ὑμῖν τιμᾶν ὅ τι χρεὶ παθεῖν ἢ ἀποτεῖσαι (ἐν γὰρ τῷ παθεῖν καὶ ὁ δεσμός ἐνι οὐκ ἂν οὖν ἐξῆν δεσμοῦ τιμῆσαι), οὔθ' ὅσων ἐνδειξίς 746 ἐστὶν ἢ ἀπαγωγή, προσεγέγραπτ' ἂν ἐν τοῖς νόμοις "τὸν δ' ἐνδειχθέντα ἢ ἀπαχθέντα δησάντων οἱ ἑνδεκα " ἐν τῷ ξύλῳ," εἶπερ μὴ ἐξῆν ἄλλους ἢ τοὺς ἐπὶ προ-

German translator agrees, 'in Fesseln legte.' Rather, I should say, 'arrested and imprisoned.' ἦγεν is=ἀπῆγεν, but ἔδει need not by any means imply chains or fetters. The facts are related Androt. §§ 54—56.

ἐφ' οἷς] masculine, 'to what persons the law applies.' §§ 18, 59, 135.

κεκριμένοις καὶ ἡγωνισμένοις] 'tried and sentenced.' ἀγωνίζεσθαι below is 'proceed to their trial' as defendants, whereas in § 131 it was said of prosecutors.

μέλλει πρὸς ὑμᾶς λέγειν] For conjectures as to the line which the defence is going to take, compare Androt. § 8 τὴν ἀπολογία ν ἡ ποιήσεται, § 42 οἶμαι τοῖνν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν λόγων.

§ 146. ὥς δὲ σαφῶς γνῶσεσθε] 'I will show you how you may convince yourselves of the truth of my statement.'

οὔτε γὰρ ἂν] γὰρ must often be construed with reference to a suppressed clause. 'For if the defendant's contention (viz. that imprisonment was foreign to the spirit of Attic law) had been true, the familiar phrase "penalty corporal or pecuniary" (παθεῖν ἢ ἀποτεῖσαι, § 63 n.) would be simply unmeaning; for in imprisonment the notion of a corporal penalty is included.' The jury is said τιμᾶν, to fix, assess, or award a punishment; hence τιμᾶσθαι of the plaintiff who 'demands' that a penalty shall be fixed is one among the many examples of a causal middle, like διδάσκειν διδάσκεσθαι, δανεῖζειν δανείζεσθαι, and so on.

ἐνδειξίς ἐστὶν ἢ ἀπαγωγή] Androt. § 26 n.

δησάντων] § 20 n.

ἐν τῷ ξύλῳ]=ἐν τῇ ποδοκάκκῃ, § 105 n.

δοσία τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιόν-  
 τας ἢ τοὺς τὰ τέλη ὠνούμενους καὶ μὴ καταβάλλον-  
 147 τας δῆσαι. νῦν δὲ ταῦθ' ὑμῖν τεκμήρια ἔστω ὅτι  
 ἔξεστι δῆσαι παντελῶς γὰρ ἤδη ἄκυρ' ἂν ᾦν τὰ  
 τιμήματα. ἔπειτα δ', ὦ ἄνδρες δικασταί, τοῦτο τὸ  
 γράμμα αὐτὸ μὲν καθ' αὐτὸ οὐκ ἔστι νόμος, τὸ "οὐδὲ  
 " δῆσω Ἀθηναίων οὐδένα," ἐν δὲ τῷ ὅρκῳ τῷ βουλευ-  
 τικῷ γέγραπται, ἵνα μὴ συνιστάμενοι οἱ ῥήτορες οἱ  
 ἐν τῇ βουλῇ δεσμὸν κατὰ τινος τῶν πολιτῶν λέγοιεν.  
 148 ἄκυρον οὖν τοῦ δῆσαι τὴν βουλὴν ποιῶν ὁ Σόλων  
 τοῦτο πρὸς τὸν ὅρκον τὸν βουλευτικὸν προσέγραψεν,  
 ἀλλ' οὐ πρὸς τὸν ὑμέτερον· ἀπάντων γὰρ κυριώτα-  
 τον ᾤετο δεῖν εἶναι τὸ δικαστήριον, καὶ ὅ τι γνοίη,  
 τοῦτο πάσχειν τὸν ἀλόντα. ἀναγνώσεται δ' ὑμῖν αὐ-  
 τοῦ τούτου ἕνεκα τὸν τῶν ἡλιαστῶν\* ὅρκον. λέγε σύ.

### “ΟΡΚΟΣ ἙΛΙΑΣΤΩΝ.

149 [Ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα

\* ὁ om. Z cum Σ.

\* δικαστῶν Z Bekk. Bens. cum Σ.

§ 147. παντελῶς γὰρ...τὰ τιμήματα] 'for otherwise your penal sentences would have been wholly null and void,' i.e. εἰ μὴ ἐξῆν δῆσαι, the suppressed clause indicated by γάρ. Dobree's conjecture δῆ (= 'you know') for ἤδη is noticed by the Editors, but no one has introduced it into the text: ἤδη (= 'at once') may well be used here to express the immediate result, as Mr Whiston has explained it.

συνιστάμενοι] 'combining,' nearly = συνιόντων 'conspiring.' Cf. τῶν ἡθάρων καὶ συνεστηκότων ῥητόρων, Androt. § 37n. —λέγοιεν 'move, propose.'

§ 148. προσέγραψεν] 'inserted the clause.' The middle προσ-

γράφμενος has the same meaning, Androt. § 71. In the distinction between βουλευτικὸν and ὑμέτερον = δικαστικὸν or ἡλιαστικὸν lies the point of the orator's reply to the argument of Timocrates.

§ 149. "ΟΡΚΟΣ ἙΛΙΑΣΤΩΝ] This, the last document inserted in the body of the speech, contains some genuine materials (in the opening words and the end of § 150), but, as a whole, is the work of a compiler. Westermann devoted three programmes (Leipzig, 1859) to the exposure of its mistakes. From these Benseler extracts the following notes of forgery: (1) The absence of the clause περὶ

τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, καὶ τύραννον οὐ ψηφιοῦμαι εἶναι οὐδ' ὀλιγαρχίαν· οὐδ' εἰάν τις καταλύῃ τὸν δῆμον τὸν Ἀθηναίων ἢ λέγῃ ἢ ἐπιψηφίξῃ παρὰ ταῦτα, οὐ πείσομαι· οὐδὲ τῶν χρεῶν τῶν ἰδίων ἀπο-

ὦν ἂν νόμοι μὴ ᾧσι, γνώμη τῇ δικαιοσύνῃ κρινεῖν, i.e. according to honour and conscience. That these words were included, is attested by c. Lept. p. 492 § 118, c. Aristocr. p. 652 § 96, Boeot. de Nom. p. 1006 § 40, c. Eubul. p. 1318 § 63. Cf. Pollux viii. 122 ὁ δ' ὅρκος ἦν τῶν δικαστῶν περὶ ὧν νόμοι εἰσί, ψηφιεῖσθαι κατὰ τοὺς νόμους, περὶ δὲ ὧν μὴ εἰσί, γνώμη τῇ δικαιοσύνῃ. (2) The insertion of the absurd and unhistorical phrase 'not to vote tyranny,' as if tyranny could be 'voted' in Athens or in any other Greek state. (3) Incorrect expressions, e.g. διαψηφιοῦμαι with περὶ αὐτοῦ and not in the technical sense of διαψήφισις, ταύτῃ τῇ ἡμέρᾳ for τῇ αὐτῇ ἡμέρᾳ [but perhaps the writer may not have meant this], ἐπομνυμαι for ἐπόμνυμι, πολλὰ καλὰ καὶ ἀγαθὰ for πολλὰ κάγαθὰ [the two last are doubtful readings]. (4) The last clause expressed in the infin., ἐπομνύναι, ἐπαρᾶσθαι: and a mistake in the names of the gods sworn by, Ἰσοειδῶ when it should have been Ἀπόλλω πατρῶον. Allowing for the possible captiousness of some of these objections, the broad fact remains that these documents, as a series, must stand or fall together; and it is abundantly proved that the orators did not, as a rule, include in their published speeches the laws or other documents which they caused to be read. Perrot, *Essai sur le Droit Public*

d'Athènes, p. 240 n., observes that Schoemann in his *Antiquities*, 1855, had anticipated Westermann's conclusion. In his early work *Att. Process* p. 135 he had accepted the Oath as genuine.

παρὰ ταῦτα] This is best taken generally, with Whiston, 'in contravention of this,' i.e. of the principles involved in the previous declaration: not supplying τὰ ψηφίσματα from ψηφιοῦμαι (Matthiae), nor yet τὴν πολιτείαν as implied in τὸν δῆμον (G. H. Schaefer, Schoemann, Kennedy).

πείσομαι] 'consent' or 'acquiesce,' from πείθεσθαι: cf. Eurip. Heracl. 104 πότνια γὰρ Δίκα τὰδ' οὐ πείσεται, rightly explained by Paley. That πάσχειν cannot = εἶναι, it would be hardly necessary to prove if even eminent scholars had not gone astray. A passage in Herod. iv. 119 was formerly quoted in illustration of this word: ἦν μέντοι ἐπὶ καὶ ἐπὶ τὴν ἡμετέραν ἀρετὴν τε ἀδικέων, καὶ ἡμεῖς οὐ πεισόμεθα, where πεισόμεθα, if genuine, must come from πάσχω. But it is now admitted to be corrupt: various conjectures are given in Bähr's and Stein's notes, the most probable being Bekker's περιοφόμεθα approved by Cobet *Var. Lect.* p. 284. It is odd to find Bähr, after mentioning several of these corrections, defending πεισόμεθα by reference to the present passage of the Timocratea. Wesseling



κοπὰς οὐδὲ γῆς ἀναδασμὸν τῆς Ἀθηναίων οὐδ' οἰκῶν. οὐδὲ τοὺς φεύγοντας κατὰξω, οὐδὲ ὧν θάνατος κατέγνωσται, οὐδὲ τοὺς μένοντας ἐξελῶ παρὰ τοὺς νόμους τοὺς κειμένους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς οὐτ' αὐτὸς ἐγὼ οὐτ' ἄλλον οὐδένα εἰσώ· οὐδ' ἀρχὴν καταστήσω ὥστ' ἄρχειν ὑπεύθυνον ὄντα ἐτέρας ἀρχῆς, καὶ τῶν ἐννέα ἀρχόντων καὶ τοῦ ἱερομνήμονος καὶ ὅσαι μετὰ τῶν ἐννέα ἀρχόντων κυμαίνονται ταύτῃ τῇ ἡμέρᾳ, καὶ

and Valckenaer (1763) already found it intolerable. It is of course the ambiguous form *πείσομαι* that is misleading, as well as the analogy of 'patior' and 'suffer;' no one would expect to find *ἐπαθε* for *εἶασε*, nor has any instance of it been produced.

*χρεῶν ἀποκοπὰς...γῆς ἀναδασμὸν*] These two 'notes' of revolutionary times are constantly coupled together, e.g. [Demosth.] Or. xvii. § 15. In Andoc. de Myst. § 88 we have *δίκαι ἀνάδικοι* 'appeals' along with *χρεῶν ἀποκοπὰι*.

οὐδὲ τοὺς φεύγοντας] The clauses 'not to bring back those in exile or under sentence of death nor expel those who are here resident' appear in the words of the speech itself, § 153. These were ordinary incidents of the struggles between oligarchy and democracy in any Greek state, e.g. Megara in the time of Theognis or Corcyra in the early years of the Peloponnesian war.

§ 150. οὐδ' ἀρχὴν καταστήσω] As long as the compiler confines himself to generalities, 'Nor will I appoint any one to an office who has still to render his accounts for another office,' he is on safe ground; but we

get into difficulties with the names. The Hieromnemon, or principal representative at the Amphictyonic council (*Dict. Antiq.* s.v.) is mentioned out of his natural order; he would more properly be classed with the *κήρυκες* and *σύνεδροι*.—*καταστήσω* is not strictly 'appoint,' as the officers here mentioned were elected by lot (*κυμαίνονται*), but their *δοκιμασία* was tried before a jury.

*κυμαίνονται*] Xen. Mem. i. 2 § 9 of the charges against Socrates; λέγων ὡς μωρὸν εἶη τοὺς μὲν τῆς πόλεως ἀρχοντας ἀπὸ κύαμου καθιστάναι, κυβερνήτην δὲ μηδένα ἐθέλειν χρῆσθαι κυμαίνεσθαι. The verb appears to occur only here and in Aristot. 'Αθ. πολ. 8 § 1, 22 § 5: the *κύαμος* or lot is to be distinguished from the ballot (*κρύβδην ψηφίζεσθαι*).

*ταύτῃ τῇ ἡμέρᾳ*] With such a writer the question between *ταύτῃ τῇ ἡμ.* and *τῇ αὐτῇ ἡμ.* is not historically important. He may have thought that all these offices were filled up by lot 'on the same day;' or that the Heliaist first entered upon his duties on the day of the election of magistrates, and so swore to scrutinise faithfully all who should be elected 'on this day.'

κήρυκος καὶ πρεσβείας καὶ συνέδρων· οὐδὲ δις τὴν αὐτὴν ἀρχὴν τὸν αὐτὸν ἄνδρα, οὐδὲ δύο ἀρχὰς ἄρξαι τὸν αὐτὸν ἐν τῷ αὐτῷ ἐνιαυτῷ· οὐδὲ δῶρα δέξομαι τῆς ἡλιασσεως ἕνεκα οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλη εἰδότος ἐμοῦ, οὔτε τέχνη οὔτε μηχανῇ  
 151 οὐδεμιᾷ. καὶ γέγονα οὐκ ἔλαττον ἢ τριάκοντ' ἔτη.

The Heliast took the oath once for all at the beginning of his year of office (above §§ 21, 58). The case of Evander on his δοκιμασία for the archonship (§ 138 n.) was heard on the last day but one of the outgoing year; it is not likely, therefore, that it was tried before Heliasts who had just been sworn in.

καὶ κήρυκος καὶ πρεσβείας καὶ συνέδρων] 'These words as they stand do not seem to be capable of any rational explanation. To take πρεσβείας = πρεσβευτοῦ or πρέσβειων between two concrete nouns involves great harshness; and there would still remain the absurdity of supposing that ambassadors were chosen by lot among the annual magistrates, and before it was known what embassies would be wanted. We know that, in fact, they were chosen by vote of the Ecclesia as occasion demanded, and (the Athenians not being devoid of common sense) for their personal qualifications. To get over this difficulty, Reiske proposes to translate the words 'heralds (*præcones*) whether of embassies or of synedri:' making the words refer to two distinct classes of κήρυκες. This sense would be badly expressed, and not much more satisfactory; it is safer to conclude that the writer did not know

his own meaning.

The κήρυκες were of various kinds: (1) mere 'criers' in the market, a poor and despised class working hard for small gains: Demosth. c. Leochar. p. 1801 § 4 διατελεῖ γὰρ ἐν Πειραιεὶ κηρύττων· τοῦτο δ' ἔστιν οὐ μόνον ἀπορίας ἀνθρωπίνης τεκμήριον, ἀλλὰ καὶ ἀσχολίας τῆς ἐπὶ τὸ πραγματεῦσθαι· ἀνάγκη γὰρ ἡμερεῦειν ἐν τῇ ἀγορᾷ τὸν τοιοῦτον. (2) ὑπηρέται or underlings of the magistrates, κήρυξ ἀρχοντος Corp. Inscript. No. 181, 182; κήρυξ βουλῆς τῆς ἐξ' Ἀρείου πάγου, *ibid.* No. 180, 181; and others. (3) Of a higher rank were the κήρυξ τῆς βουλῆς καὶ τοῦ δήμου, and the ἱεροκῆρυξ of the Eleusinian mysteries.

συνέδρων] § 127 n.

οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλη] 'nor shall any other man or woman accept a bribe on my account with my knowledge.' K. Nearly the same words occur in the oath of the judges of Cnidus (Sir C. Newton, *Greek Inscr. in Brit. Mus.* II. 290): and, as here, the dative ἐμῖν is used where we should expect ὑπὲρ ἐμοῦ.

§ 151. τριάκοντ' ἔτη] The Athenian citizen, coming of age at 18, served in the home army for two years as a *περίπολος*, and enjoyed the franchise in the Ecclesia at 20. Ten years more were to elapse before he became eligible as a dicast.

καὶ ἀκροάσομαι τοῦ τε<sup>γ</sup> κατηγοροῦ καὶ τοῦ ἀπολογου-  
μένου ὁμοίως ἀμφόιν, καὶ διαψηφιοῦμαι περὶ αὐτοῦ  
οὗ ἂν ἡ δίωξις ᾖ<sup>z</sup>. ἐπομνύναι<sup>a</sup> Δία, Ποσειδῶ<sup>b</sup>, Δή-  
μητρα, καὶ ἐπαρᾶσθαι ἐξώλειαν ἑαυτῷ καὶ οἰκίᾳ τῇ  
ἑαυτοῦ, εἴ τι τούτων παραβαίνοι, εὐορκοῦντι δὲ πολλὰ  
κάγαθὰ<sup>c</sup> εἶναι.]

Ἐνταῦθ' οὐκ ἔνι, ὦ ἄνδρες δικασταί, "οὐδὲ δῆσω  
"Ἀθηναίων οὐδένα." τὰ γὰρ κρίνοντα τὰς κρίσεις  
ἀπάσας τὰ δικαστήρι' ἐστίν, οἷς ἐξουσία ἐστὶ καὶ  
δεσμὸν καὶ ἄλλ' ὅ τι ἂν<sup>d</sup> βούλωνται καταγιγνώ-  
σκειν.

<sup>γ</sup> τε om. Z Bekk. Bens. cum Σ. <sup>z</sup> ἡ ἢ δίωξις Z Bekk. *Illud* Σ.  
<sup>a</sup> ἐπόμνυναι Z Bekk. Bens. cum libris. <sup>b</sup> Ποσειδῶνα Z Bens.  
cum Σ. <sup>c</sup> καλὰ καὶ ἀγαθὰ Bens. cum Σ. <sup>d</sup> ἄλλ' ὅ τι ἂν Z,  
ἄλλο τι δ' ἂν Bens. cum Σ.

καὶ ἀκροάσομαι] The jurors are reminded of this clause of the oath in the opening words of Aeschin. de F. L. and Demosth. de Cor.

διαψηφιοῦμαι...ἡ δίωξις ᾖ] 'I will decide strictly on the question of the suit:' on that exact question (περὶ αὐτοῦ) and no other. The simple verb ψηφιοῦμαι is required: cf. *Dict. Antiq.* s.v. 'Diapsephisis.'

ἐπομνύναι] This correction of Bekker's avoids the improper use of the middle voice (§ 149 n.), and brings the construction into conformity with ἐπαρᾶσθαι. But it is clear that these infinitives could have formed no part of the oath itself: they belong to the law which imposed it.

Δία, Ποσειδῶ, Δήμητρα] 'Quod tradit Pollux paullulum ab hoc loco differt: ὤμνον δ' ἐν Ἀρδήττῳ Ἀπόλλω πατρῶον καὶ Δήμητρα καὶ Δία βασιλέα. In Bekk. *Anecd.* p. 443, 31 jusjurandum Heliastarum Ἥλιον habet loco

Neptuni.' H. Schelling de Solonis legibus p. 35 quoted by Dindorf.

πολλὰ καὶ ἀγαθὰ] The reading of Σ, πολλὰ καλὰ καὶ ἀγαθὰ (see various readings) introduces one of the phrases to which Benseler himself objects (§ 149 n.). Yet he goes out of his way to adopt it, alone among editors.

τὰ γὰρ κρίνοντα] 'It is the courts that decide all questions that are brought to trial.'

§§ 152-154. Any undermining of the powers of the courts will not merely lead to a perversion of justice, but be highly dangerous politically. If what has been decreed by verdict may be rescinded by a new law, where is the thing to end? Any other bulwark of the constitution may be subverted by a like process. In the oligarchical revolutions of former times, the first step was to deprive the dicasteries of their power and abolish the indictments for illegal mea-

- 152 Ὡς μὲν οὖν ἔξεστιν ὑμῖν δεσμὸν καταγιγνώσκειν, ταύτη<sup>ο</sup> ἐπιδείκνυμι. ὥς δὲ<sup>†</sup> τὰ δεδικασμέν<sup>ο</sup> ἄκυρα ποιεῖν καὶ δεινὸν καὶ ἀνόσιόν ἐστι καὶ δήμου κατὰ- λυσις, πάντας ἂν οἶμαι ὁμολογήσαι, ἡ γὰρ πόλις ἡμῶν, ᾧ ἄνδρες δικασταί, νόμοις καὶ ψηφίσμασι διοικεῖται. εἰ δὴ τις τὰ ψήφῳ κεκριμένα νόμῳ καινῷ λύσει, τί πέρας ἔσται; ἢ πῶς τοῦτον δίκαιόν ἐστι νόμον προσαγορεύειν, ἀλλ' οὐκ ἀνομίαν; ἢ πῶς οὐ τῆς μεγίστης ὀργῆς ὁ τοιοῦτος νομοθέτης ἄξιός ἐστιν;
- 153 ἐγὼ μὲν γὰρ τῶν ἐσχάτων<sup>π</sup> νομίζω, οὐχ ὅτι τοῦτον μόνον τὸν νόμον ἔθηκεν, ἀλλ' ὅτι καὶ τοῖς ἄλλοις 748 ὁδὸν δείκνυσι καὶ περὶ δικαστηρίων καταλύσεως καὶ

<sup>ο</sup> ταῦτ' Z Bekk. Bens. cum libris praeter F.

<sup>†</sup> ὥς δὲ καὶ Z Bens. cum ΣFVB.

<sup>π</sup> τῆς ἐσχάτης libri praeter Σ.

*sures.* Circumstances may have altered; the constitution may be on a firmer footing; but the only safe thing to do is to crush all such attempts in the bud.

§ 152. ταύτη ἐπιδείκνυμι] See the various readings. We may say here that ταύτη is what Demosthenes either wrote or ought to have written: but the evidence is all in favour of the less attractive reading ταῦτ'. Dindorf shows, as usual, 'the courage of his opinions.'

τὰ δεδικασμέν<sup>ο</sup> ἄκυρα ποιεῖν] That the setting aside of judicial decisions would introduce uncertainty into all the relations of life was argued in §§ 72—78. He now approaches the question from the political side, not without some repetitions of previous arguments.

νόμοις καὶ ψηφίσμασι] The distinction is explained in *Dict. Antiq.* s.v. 'Nomothetes.' 'The mere resolution of the people in assembly was a ψήφισμα, and

only remained in force a year, like a decree of the Senate. Nothing was a law that did not pass the ordeal of the νομοθέται.'

ἀνομίαν] 'a breach of law' as R. W. and Benseler, rather than the abstract 'lawlessness.'

§ 153. τῶν ἐσχάτων] This reading of Σ is undoubtedly right: τὰ ἔσχατα is a regular phrase for capital punishment, e.g. Lys. c. Andoc. § 13 τὰ ἔσχατα πέισεται, c. Agorat. § 60 τὰ ἔσχατα παθεῖν. The Attics say ἐσχάτη τιμωρία, as § 119, but μεγίστη ὀργή, not ἐσχάτη.

οὐχ ὅτι τοῦτον μόνον] i.e. οὐ μόνον ὅτι τοῦτον, cf. οὐχ ὅπως § 113 n.

δικαστηρίων καταλύσεως] A rare phrase for τὰ δικαστήρια (or δεδικασμένα) ἄκυρα ποιεῖν. We scarcely find κατὰλυσις in the orators except with δήμου: an exception, however, is c. Polycl. p. 1209 § 11 τριήρους γὰρ ὁμολογεῖται κατὰλυσις εἶναι, the 'ruin' of it.

περὶ τῶν φευγόντων καθόδου καὶ περὶ τῶν ἄλλων  
 τῶν δεινοτάτων. τί γὰρ κωλύει, ὦ ἄνδρες δικασταί,  
 εἰ οὗτος χαίρων ἀπαλλάξει ὁ τοιοῦτον νόμον τιθεῖς,  
 ἕτερον φανῆναι ἄλλο τι τῶν τῆς πόλεως ἰσχυροτά-  
 των καταλύοντα νόμῳ καινῷ; ἐγὼ μὲν γὰρ οἶμαι  
 154 οὐδέν. ἀκούω δ' ἔγωγε καὶ τὸ πρότερον οὕτω κατα-  
 λυθῆναι τὴν δημοκρατίαν, παρανόμων πρῶτον γρα-  
 φῶν καταλυθεισῶν καὶ τῶν δικαστηρίων ἀκύρων  
 γενομένων. ἴσως μὲν οὖν ἂν τις ὑπολάβοι ὅτι οὐχ  
 ὁμοίων ὄντων τῶνπραγμάτων νῦν καὶ τότε λέγω

χαίρων ἀπαλλάξει] For the intransitive sense 'come off, get off' comp. de Cor. p. 246 § 65 χεῖρον ἡμῶν ἀπηλλάχασιν. Aeschin. de F. L. § 38 Δημοσθένην τὸν οὕτω καταγελάστως ἀπαλλάξαντα, c. Ctes. § 158 οὔτε πόλις γὰρ οὐτ' ἰδιώτης ἀνὴρ οὐδεὶς πώποτε καλῶς ἀπῆλλαξε Δημοσθένη συμβούλῳ χρησάμενος.

τιθεῖς] The present participle marks the stage which the law of Timocrates had reached (not being yet out of danger) better than *theis*, and has been rightly received: cf. § 131 οἱ τῆς ξενίας ἀλίσκομενοι.

§ 154. ἀκούω δ' ἔγωγε] The orator is doubtless thinking of his favourite historian's account of the Revolution of 411, when to abolish the γραφή παρανόμων was the first step of the συγγραφεῖς or oligarchical legislators. Thucyd. viii. 67 ἐσηνέγκαν οἱ συγγραφεῖς ἄλλο μὲν οὐδέν, αὐτὸ δὲ τοῦτο, ἐξεῖναι μὲν Ἀθηναίων ἀνειπεῖν γνώμην ἣν ἂν τις βούληται· ἣν δὲ τις τὸν εἰπόντα ἢ γράψῃται παρανόμων ἢ ἄλλῳ τῷ τρόπῳ βλάβῃ, μεγάλας ζημίας ἐπέθεσαν. Compare Grote's remarks, ch. 62 (v. 384).

καὶ τῶν δικαστηρίων...γενομέ-

νων] καὶ does not denote a separate step in the process. The abolition of the γραφή παρανόμων was in itself the removal of the check upon constitutional changes exercised by the courts.

οὐχ ὁμοίων...νῦν καὶ τότε] At the date of this speech Athens had now enjoyed fifty years of democratic government (B.C. 403—353) undisturbed by reactionist conspiracies: and her constitutional freedom lasted as long as her political independence. Among the causes of this happy result we shall not be wrong in reckoning the wise humanity of the restored democracy towards the men of the Second Oligarchy, as compared not merely with the habitual cruelty of Greek factions but with the conduct of the same party a few years before. Unlike the counter-revolution of 411, when Antiphon and the other leading oligarchs were put to death, the archonship of Eucleides had left behind it no bitter memories. But further, this softening of manners was itself the effect of a common calamity: the loss of empire had sobered all classes. The



περὶ καταλύσεως τοῦ δήμου. ἀλλ' οὐδὲ σπέρμα δεῖ καταβάλλειν ἐν τῇ πόλει οὐδένα, ὃ ἄνδρες δικασταί, τοιούτων πραγμάτων, οὐδ' εἰ μή πω ἂν ἐκφύοι, ἀλλὰ τὸν ἐγχειροῦντα λέγειν ἢ ποιεῖν τι τοιοῦτον δίκην διδόναι.

§ καὶ add. Dind. cum libris praeter Σ.

policy which had exterminated Melos (416) and had nearly exterminated Mytilene (427) had been tried and had failed: the terrible sufferings of the siege and the dark times of the Thirty had left behind them a craving for repose. The spirit of the new time is well expressed in the speech of Thrasybulus at the end of the second Hellenic (II. 4 §§ 40—43): and even the unpatriotic Xenophon cannot refuse his tribute of admiration (καὶ ὁμόσαντες ὅρκους ἢ μὴν μὴ μνησικακήσιν, ἔτι καὶ νῦν ὁμοῦ τε πολιτεύονται καὶ τοῖς ὅρκοις ἐμμένει ὁ ὄημος). When, after ten years (Cnidus 394), Athens had recovered from her exhaustion and once more held up her head, the lessons of adversity were not forgotten, though all else was: an 'amnesty' in the best sense of the word.

εἰ μή πω ἂν ἐκφύοι] When ἂν follows εἰ there is usually a reference to a further condition, either expressed, as in Demosth. de F. L. p. 395 § 172=190 where εἰ ἐπρέσβευς ἂν refers to εἰ μή διὰ τὸ τούτους βούλεσθαι σῶσαι (if I would have gone on the embassy but for my wish &c.), or implied, as in Plat. Prot. 329 π ἐγὼ εἴπερ ἄλλω τῷ ἀνθρώπῳ πειθοίμην ἂν (supposing him to say so) καὶ σοὶ πειθομαι. In the present case the further condition does not mean more than 'if perhaps,'

'if it should happen so:' 'no man ought even to sow the seed of such things in the commonwealth, even if it should so happen that it has not sprung up as yet.' Cf. Jelf, Synt. § 860.

§§ 155—159. *I will prove to you that he carried this law with no honest intent. He took advantage of your regard for 'law' as such, to bring forward and pass that which in reality is no law (§ 156). Had he allowed you to see this in its true light, no magistrate could have put it to the vote. But he proposed it, relying on the support of the other orators. You will see them come forward as one man, not that they care for Timocrates, but because they think it for their own interest as a body (§ 157). He has talked of it himself, avowing his motives in the most cynically impudent manner: Androtion, he said, had got up at his leisure such arguments on every point, that no harm could come to him (Timocrates) from this impeachment (§ 158). I am astonished at the impudence of them both: and so will you be, when you have heard what I am going to tell you about the way these two men have gone on together. You are not likely to have heard it before, unless you were present at the former trial, when Euctemon prosecuted Androtion.*

- 155 "Οτι τοίνυν καὶ τέχνη κακῶς ἐνεχείρησε ποιεῖν  
 ὑμᾶς, ἄξιόν ἐστιν ἀκοῦσαι. ὁρῶν γὰρ ἐκάστοτε πάν-  
 τας, καὶ τοὺς πολιτευομένους καὶ τοὺς ἰδιώτας, τοὺς  
 νόμους τῶν τῆς πόλεως ἀγαθῶν αἰτίους ὑπολαμβάν-  
 οντας, ἐσκόπει πῶς λήσει τούτους καταλύσας, κἂν  
 ἄρα ληφθῇ τοῦτο ποιῶν, μὴ δόξει δεινὸν μηδ' ἀναιδὲς  
 156 μηδὲν εἰργάσθαι. εὗρεν οὖν τοῦθ' ὃ πεποίηκε, νό-  
 μῳ τοὺς νόμους καταλῦσαι, ἵνα τὰδικήματ' αὐτοῦ τὸ  
 τῆς σωτηρίας ὄνομ' ἔχῃ. οἷ τε γὰρ σφύζοντες τὴν  
 πόλιν εἰσὶ νόμοι, ὅν θ' οὗτος ἔθηκεν οὐδὲν ἐκείνοις  
 τῶν αὐτῶν ἔχοντα, νόμος. τὴν μὲν οὖν τοῦ ὀνόματος  
 φιλανθρωπίαν, ὅτι ταύτην δὴ<sup>h</sup> μάλιστα προσίεσθε,

<sup>h</sup> ἂν Z Bekk. Bens. Bl. *cum libris*.

§ 155. τέχνη] 'of malice afore-  
 thought,' opp. to ἀπλῶς § 157:  
 'by craft' K.: 'auf eine raffi-  
 nirte Art' Benseler: but I do  
 not think either of these quite  
 exact.—κακῶς of course goes  
 with ποιεῖν.—ἄξιόν ἐστιν ἀκοῦσαι,  
 'it is right that you should  
 hear,' 'well that you should be  
 informed.'

τοὺς πολιτευομένους] The dis-  
 tinction between πολιτεύειν and  
 πολιτεύεσθαι is hardly brought  
 out with sufficient clearness in  
 L. and S. πολιτεύειν = πολιτὴς  
 εἶναι, to live under a govern-  
 ment: πολιτεύεσθαι = πολιτικὸς  
 εἶναι, to be a public man, take  
 part in the government.

ἐσκόπει πῶς λήσει] In this  
 construction ὅπως is far more  
 common: but there is no variety  
 of reading.—κἂν ἄρα 'and if  
 after all.'

§ 156. ἵνα τὰδικήματ' αὐτοῦ]  
 'that his misdeeds may have  
 the name of salutary measures,'  
 K. very neatly.

ἐχοντα] attracted to the case

of ὄν, though really belonging  
 to another clause: this which  
 he passed, and which has no-  
 thing in common with them,  
 is (also) a 'law.'

τὴν μὲν οὖν...παρείδε] 'The  
 kindly sound of the name "law"  
 he clearly saw that you tho-  
 roughly like: that in actual  
 practice it will be shown to  
 have very different qualities, he  
 disregarded.'

ταύτην δὴ μάλιστα προσίεσθε]  
 The better MSS. read ἂν...προσ-  
 ίεσθε: but there is no place  
 here for the imperf. ind. with  
 ἂν, 'you would like it' if things  
 were otherwise: it is a fact that  
 you do like it. The reading of  
 the inferior MSS. ἂν...προσεί-  
 σθε, followed by Dobree and  
 others (including Shilleto on  
 F. L. p. 363 § 80, Madvig  
*Advers. Crit.* i. 461), is less ob-  
 jectionable, but still not satis-  
 factory. The change of AN into  
 ΔΗ (Androt. § 70 n.) is so slight  
 that it is best to accept Din-  
 dorf's conjecture and take προσ-

κατείδε· τὴν δὲ χρεῖαν, ὅτι τὰναντία ἔχουσα φανή- 749  
 157 σεται, παρείδε. φέρε γὰρ πρὸς Διός, ἔστιν ὅστις ἂν  
 ἢ πρόεδρος ποτ' ἐπεψήφισεν ἢ πρύτανις τοίτων τι  
 τῶν ἐν τῷ νόμῳ γεγραμμένων; ἐγὼ μὲν οὐδέν' ἂν  
 οἶμαι. πῶς οὖν τοῦθ' ὑπέδυν; νόμον ἔθετ' ὄνομα  
 τοῖς αὐτοῦ κακουργήμασιν. οὐ γὰρ ἀπλῶς, οὐδ' ὅπως  
 ἔτυχον, ποιοῦσι κακῶς ὑμᾶς, ἀλλ' ἐσκεμμένως καὶ  
 τοῦτ' αὐτὸ πρίττοντες, οὐχ οὗτοι μόνον, ἀλλὰ πολλοὶ  
 τῶν πολιτευομένων, οἱ τοῦτῳ παριόντες αὐτίκα δὴ  
 μάλα συναπολογήσονται, οὐ μὰ Δί' οὐ Τιμοκράτει  
 χαρίσασθαι βουλόμενοι, πόθεν; ἀλλ' αὐτῷ συμφέ-  
 ρειν ἕκαστος ἡγούμενος τὸν νόμον. ὥσπερ τοίνυν  
 οὗτοι σφίσιν αὐτοῖς βοηθοῦσιν ἐφ' ὑμᾶς, οὕτω δεῖ καὶ  
 158 ὑμᾶς ὑμῖν αὐτοῖς βοηθεῖν. καίτοι ἀνερωτωντός τις  
 αὐτὸν ὅτου ἔνεκα τοιαῦτ' ἠθέλησε γράφειν, καὶ δι-  
 εξιόντος ὡς χαλεπὸν τὸν ἀγῶν' ὑπολαμβάνοι τόνδε,

λεσθε as a present. Προσιέσθαι with accus. takes for its subject either the thing which pleases a person or the person who is pleased with a thing: cf. Aristoph. Eq. 359 ἐν δ' οὐ προσίεται με and Vesp. 742 τοῦτ' οὐ δύναται με προσέσθαι with Eurip. El. 622 προσηκάμην τὸ ῥηθέν. For the sense of χρεῖα, 'working' or 'practice' as opp. to theory or previous calculation, cf. c. Aristocr. p. 668 § 148 αἱ ἀναγκαῖαι χρεῖαι τοὺς τοῦ τί πρακτέον ἢ μὴ λογισμοὺς ἀναιροῦσιν ἅπαντας.

§ 157. ἢ πρόεδρος ποτ' ἐπεψήφισεν ἢ πρύτανις] The ἐπιψήφισις of the πρόεδροι or πρύτανις was in the assembly, when the law first came on as a ψήφισμα (§ 152 n.): for it to become a νόμος, it must pass a jury of νομοθέται with a θεσμοθέτης presiding, §§ 27 n., 33 n.

πῶς οὖν τοῦθ' ὑπέδυν;] 'how then did he slip through it?' 'Wie wusste er nun hier durchzuschlüpfen?' Benseler.

ὅπως ἔτυχον] 'accidentally.' ἔτυχον with the personal subject οἱ ῥήτορες is better than the vaguer ἔτυχε. The phrase is often a euphemism for what is bad: cf. Shilleto on F. L. p. 428 § 272=309.

ἐσκεμμένως καὶ τοῦτ' αὐτὸ πρίττοντες] 'deliberately, and making it their business.' ἐσκεμμένως, of malice aforethought, = τέχνη § 155.

τοῦτῳ παριόντες...συναπολογήσονται] 'will immediately come forward and assist T. in his defence:' αὐτίκα δὴ μάλα, Androt. § 65 n.: above, § 32.

πόθεν;] 'why should they?' parenthetical, — 'that is not very likely' K.

§ 158. διεξιόντος—τόνδε] 'tell-

τετυφῶσθαι<sup>i</sup> τὸν λέγοντ'<sup>k</sup> ἔφη· συμπάρεσσεσθαι γὰρ Ἀνδροτίων' ἑαυτῷ, καὶ τοιούτους λόγους σχολὴν ἄγοντ' ἐσκέφθαι περὶ πάντων, ὥστ' εὖ εἰδέναι ὅτι οὐδὲν αὐτῷ γενήσοιτο φλαῦρον ἀπὸ τῆς γραφῆς  
 159 τῆσδε. καὶ δῆτα καὶ τεθαύμακα τὴν ἀναισχυντίαν τὴν τούτου τε<sup>l</sup> κακείνου, τοῦ μέν, εἰ καλεῖ, τοῦ δ', εἰ πάρεισι καὶ συναπολογήσεται. μαρτυρία γὰρ δήπου φανερά γενήσεται πᾶσιν ὑμῖν, ὅτι τὸν νόμον τούτου ἔνεκ' ἐτίθει, ἀλλ' οὐκ ἐπὶ πᾶσι τὸν αὐτόν. ὅμως δὲ καὶ περὶ τῶν ἐκείνῳ πεπολιτευμένων ὑμᾶς μικρὰ βέλτιόν ἐστιν ἀκούσαι, καὶ τούτων ταῦθ', ὧν κεκοινωνήκεν οὗτος, καὶ δι' ἃ τοῦτον οὐδὲν ἦττον ἐκείνου δικαίως ἂν μισοῖτε. λέξω δ' οὐδὲν ὧν ἀκηκόαθ' 750 ὑμεῖς, εἰ μὴ τινες ἄρ' ἐπὶ τοῖς Εὐκτῆμονι γιγνομένοις ἀγῶσι παρήσαν.

<sup>i</sup> τετυφλῶσθαι Z cum ΣΥ.

<sup>k</sup> τὸν ταῦτα λέγοντ' Z Bekk. Bens. Dind. Illud Bl. cum ΥΩ krs.

<sup>l</sup> τε om. Z Bens. cum ΣFv.

ing him at length what a serious contest this was that he had engaged in.' διεξιέναι implies some fulness of detail.

τετυφῶσθαι] 'The speaker, he said, was mad.' K. We find μαίνομαι καὶ τετύφωμαι joined de F. L. p. 409 § 219–241, where Shilleto quotes Harporation: τετύφωμαι ἀντὶ τοῦ ἐμβεβρόντημαι, ἔξω τῶν φρενῶν γέγονα, and the latter refers to de Cor. p. 229 § 11 οὐχ οὕτω τετύφωμαι.

σχολὴν ἄγοντα] Benseler suggestively translates 'in seiner Studirstube,' 'in his study.'

φλαῦρον] In the orators usually with λέγειν or εἰπεῖν, a sense illustrated on Androt. § 12: but sometimes of harm, bad news, or misfortune. Mid. p. 579 §

203 ἂν δέ τι φλαῦρον (ἀπαγγελθῇ τῇ πόλει), opp. τοι τῶν δεόντων. Aristocr. p. 651 § 92 ἢ γε πόλις φλαῦρον οὐδὲν πείσεται κατὰ τὸ ψήφισμα τοῦτο.

§ 159. τούτου τε κακείνου] τούτου, the immediate defendant Timocrates: ἐκείνου, Androtion: but below τούτου ἔνεκα is A.—καλεῖ is of course future, as shown by πάρεισι καὶ συναπολογήσεται.

ἐπὶ πᾶσι τὸν αὐτόν] § 18 n.

καὶ τούτων ταῦτα] 'and those of them in particular,' i.e. of Androtion's public acts, τῶν ἐκείνῳ πεπολιτευμένων.

τοῖς Εὐκτῆμονι γιγνομένοις ἀγῶσι] The plural, as two trials are referred to: (1) the γραφὴ παρανόμων against Euctemon by Androtion and his friends (above

160 Καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν χρημίστων εἰσπραξιν ἐξετάσωμεν αὐτοῦ, ἣν μετὰ τούτου τοῦ χρηστοῦ πάντας εἰσέπραξεν ὑμᾶς. αἰτιασάμενος γὰρ Εὐκτῆμονα τὰς ὑμετέρας ἔχειν εἰσφοράς, καὶ τοῦτ' ἐξελέγξειν ἢ παρ' ἑαυτοῦ καταθήσειν ὑποσχόμενος, καταλύσας ψηφίσματι κληρω-

§ 14, γράφονται τὸ ψήφισμα): (2) the trial of Androtion, in which Euctemon was plaintiff, and Diodorus the speaker of the Androtionea followed on the same side (Androt. init.).—γίγνομαι imperf. part.

§§ 160—186. An exposure of the whole political career of Androtion, as Timocrates' chief friend and partner in guilt: mostly repeated from Androt. § 47 to the end, but with occasional verbal changes to suit the altered circumstances of the case. In the Timocratea, §§ 160—168 follow closely Androt. §§ 47—56 down to the words εἰς τὸ δεσμωτήριον ἔλκεσθαι: §§ 169—171 are a shorter substitution for Androt. §§ 57—64 beginning with the story of Sinope and Phanostrata at the end of § 56: Timocr. §§ 172—186 are again reproduced, with the exception of a few sentences, from Androt. §§ 65—78. On the question of these repetitions as affecting the integrity of the speech, see Introd. The differences in the parallel passages are pointed out as they occur: but the explanatory notes are not repeated from the former speech.

§§ 160—169. Androtion as a collector of taxes: his treatment of Euctemon, whom he falsely accused of retaining balances due to you, got you to depose

him from the office of ἐκλογεὺς to which he had been chosen by lot, and crept into his place (160). He abused the powers that he had obtained from you for calling in arrears of taxes (161): so that the example of his conduct did harm out of all proportion to the gains of the treasury (162). Such conduct recalls the days of the Thirty, the worst in Athenian history (163, 164): or rather Androtion surpassed them in brutality (165), and treated free citizens worse than slaves (166, 167). Yet his own father had been a defaulter to the state, and had escaped from the prison to which the son consigned innocent persons (168). Timocrates, his associate in these exactions, would not have taken bail from his victims for a single day: he imprisoned them without trial. Yet now he is for bailing out men who have been tried and sentenced.

§ 160. ἣν μετὰ τούτου τοῦ χρηστοῦ... ὑμᾶς] Inserted here in order to connect Timocrates more closely with the acts of Androtion. In the parallel passage Androt. § 47 we have μὴ τῇ τούτου προσέχοντες ἀλαζονεία τὸν νοῦν, ἀλλὰ τὸ πρᾶγμα, οἷον γέγονε τῇ ἀληθείᾳ, σκοποῦντες.

αἰτιασάμενος γὰρ Εὐκτῆμονα] || Androt. § 48 οὗτος Εὐκτῆμονα φήσας.



τὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ, ἐπὶ τὴν εἰσπραξιν  
 παρέδν, καὶ τοῦτον προῦβάλετο, εἰπὼν τὴν τοῦ σώ-  
 161 ματος ἀρρωστίαν, ἵν', ἔφη, συνδιοικῇ μοι. δημηγο-  
 ρίας δ' ἐπὶ τούτοις ποιούμενος, ὡς ἔστι τριῶν αἴρε-  
 σις<sup>m</sup> ἢ τὰ πομπεῖα κατακόπτειν<sup>n</sup> ἢ πάλιν εἰσφέρειν  
 ἢ τοὺς ὀφείλοντας εἰσπράττειν, αἵρουμένων εἰκότως  
 ὑμῶν τοὺς ὀφείλοντας εἰσπράττειν, ταῖς ὑποσχέσεσι  
 κατέχων καὶ διὰ τὸν καιρὸν ὃς ἦν τότε ἔχων ἐξου-  
 σίαν, τοῖς μὲν κειμένοις νόμοις [περὶ τούτων]<sup>o</sup> οὐκ ᾔετο  
 δεῖν χρῆσθαι οὐδ', εἰ μὴ τούτους ἐνόμιζεν ἱκανούς,  
 ἑτέρους τιθέναι, ψηφίσματα δ' εἶπεν ἐν ὑμῖν δεινὰ  
 καὶ παράνομα, δι' ὧν ἡργολάβει, προσαγωγῇ τούτῳ

<sup>m</sup> add. ὑμῖν Bekk. cum libris praeter ΣksA<sup>1</sup>.

<sup>n</sup> κατακόπτειν τὰ πομπεῖα Bl.

<sup>o</sup> om. Bl. cum F.

καὶ τοῦτον προῦβάλετο...συν-  
 διοικῇ μοι] Again bringing into  
 relief the complicity of the pre-  
 sent defendant: in || Androt.  
 the sentence ends with παρέδν.  
 —προῦβάλετο is here simply  
 'proposed,' 'put forward,' as in  
 Boeot. de Dot. p. 1021 § 44 δν  
 οὗτος προῦβάλετο διαιτητὴν. With  
 the genitive the verb expresses  
 the notion of an excuse, shelter,  
 or disguise, as in Mid. p. 560  
 § 139 τοῦτον προβέβληται Πολύ-  
 ευκτος. (But in Mid. p. 579  
 § 200 Μειδίας Ἀναγυράσιος προ-  
 βέβληται it is passive, 'becomes  
 a candidate.') Comp. πρόβλημα,  
 1 Steph. p. 1122 § 69, with Dr  
 Sandys' note.

εἰπὼν τὴν τοῦ σώματος ἀρρω-  
 στίαν] 'on the plea of ill-  
 health.'

§ 161. δημηγορίας] This is  
 the reading of all MSS. in ||  
 Androt. and of all but Σ here.  
 Modern editors, with the excep-  
 tion of Blass, think the sin-

gular more appropriate, and  
 prefer δημηγορίαν. But more  
 than one speech may well have  
 been required to carry all the  
 points here mentioned.

προσαγωγῇ τούτῳ χρώμενος  
 τῶν λημμάτων] 'making use of  
 the defendant as a provider of  
 his gains,' 'jackal' L. and S.  
 This clause is not in || Androt. ;  
 and the rare word προσαγωγὸς  
 seems post-classical, or at least  
 un-Attic (ποταγωγίδες in Sici-  
 lian Doric is cited from Arist.  
 Pol. vii. § 7). As Mr Whiston  
 points out, its use here might  
 be alleged in support of Bense-  
 ler's view, that §§ 110-486, in-  
 cluding the repetitions from the  
 Androtionea, are interpolated.  
 The interpolator would natu-  
 rally introduce little 'tags' (two  
 of which have been noticed in  
 the last section) in order to  
 show the relevancy of his inser-  
 tions to the case of Timocrates  
 now before the court.

162 *χρώμενος τῶν λημμάτων. καὶ πολλὰ τῶν ὑμετέρων  
κέκλοφεν μετὰ τούτου<sup>ν</sup>, γράψας τοὺς ἑνδεκα καὶ τοὺς  
ἀποδέκτας καὶ τοὺς ὑπηρέτας ἀκολουθεῖν μεθ' αὐτοῦ.  
εἴτ' ἔχων τούτους ἤγεν ἐπὶ τὰς ὑμετέρας οἰκίας, καὶ  
σύ, ᾧ Τιμόκρατες, συνηκολοίθεις μόνος τῶν συναρ-  
χόντων δέκα ὄντων. καὶ μηδεὶς ὑπολαμβανέτω με 751  
λέγειν ὡς οὐ χρῆν εἰσπράττειν τοὺς ὀφείλοντας.  
χρῆν γάρ. ἀλλὰ πῶς; ὡς ὁ νόμος ἀγορεύει, τῶν  
ἄλλων εἵνεκα· τοῦτο γάρ ἐστι δημοτικόν. οὐ γὰρ  
τοσοῦτον, ᾧ ἄνδρες Ἀθηναῖοι, πέντε ταλάντων ὑμῖν,  
ὧν οὗτοι τότ' εἰσέπραξαν, τεθέντων ὠφέλησθε, ὅσον  
βέβλαφθε τοιούτων ἐθῶν εἰς τὴν πολιτείαν εἰσαγο-  
163 μένων. εἰ γὰρ ἐθέλοιτ'<sup>α</sup> ἐξετάσαι τίνος εἵνεκα μᾶλλον  
ἂν τις ἔλοιτ' ἐν δημοκρατίᾳ ζῆν ἢ ἐν ὀλιγαρχίᾳ,  
τοῦτ' ἂν εὔροιτε προχειρότατον, ὅτι πάντα πραότερ'  
ἐστίν<sup>ε</sup> ἐν δημοκρατίᾳ. ὅτι μὲν τοίνυν τῆς ὅπου βού-  
λεσθε ὀλιγαρχίας [πολλῶ] ἀσελγέστερα καὶ δεινότερα  
ἐποιοῦν οὗτοι. παραλείψω· ἀλλὰ παρ' ἡμῖν πότε*

<sup>ν</sup> τοῦτο Z cum Σ. <sup>α</sup> ἐθέλειτ' Z Bekk. Bens. θέλειτ' Σ. θέλοιτ' Bl.  
<sup>ε</sup> ἐστίν om. Z Bekk. cum Σ. *Idem ἐν τῇ δῃμ.*

§ 162. καὶ πολλὰ τῶν ὑμετέ-  
ρων] Condensed in || Androt.  
§ 49, where the sentence runs  
δι' ὧν ἡργολάβει καὶ πολλὰ τῶν  
ὑμετέρων κέκλοφε, τοὺς ἑνδεκα  
γράφας ἀκολουθεῖν μεθ' ἑαυτοῦ·  
εἴτ' ἔχων τούτους ἤγεν ἐπὶ τὰς  
τῶν πολιτῶν οἰκίας.

ἀποδέκτας] 'receivers,' intro-  
duced by Cleisthenes in the  
place of the ancient κωλακρέται  
or κωλαγρέται. Below § 197.  
Aeschin. Ctes. § 25. *Dict. Antiq.*  
s.v. 'Apodectae.'

καὶ σύ, ᾧ Τιμόκρατες...δέκα ὄν-  
των] Substituted for a passage  
in || Androt. § 50, καὶ τὸν μὲν  
Εὐκτήμονα...διὰ τὴν ὑμετέραν.

ἀγορεύει] κελεύει || Androt.

without variation, and some  
inferior MSS. here. Blass ac-  
cepts it; for parallel passages  
are often wrongly altered into  
conformity.

πέντε ταλάντων.....τεθέντων]  
|| Androt. § 51 τοσοῦτων χρημά-  
των τοῦτον τὸν τρόπον εἰσπραχ-  
θέντων, and ἐξημίωσθε for βέ-  
βλαφθε. In Androt. § 44 the  
arrears thus collected are put at  
seven talents.

§ 163. εἰ γὰρ ἐθέλοιτ'] Both  
here and in || Androt. Σ reads  
θέλειτ' ἐξετάσαι. Dindorf in his  
last edition reverts to the com-  
mon reading in both passages.

πολλῶ ἀσελγέστερα...οὔτοι]  
Adapted to fit both men from

πώποτε δεινότατ' ἐν τῇ πόλει γέγονεν; εὖ οἶδ' ὅτι  
 164 ἐπὶ τῶν τριάκονθ' ἅπαντες ἂν εἴποιτε. τότε τοίνυν,  
 ὡς ἔστιν ἀκούειν, οὐδεὶς ἔστιν ὅστις ἀπεστερεῖτο τοῦ  
 σωθῆναι, ὅστις ἑαυτὸν οἴκοι κρύψειεν, ἀλλ' αὐτὸ  
 τοῦτο κατηγοροῦσι τῶν τριάκοντα, ὅτι τοὺς ἐκ τῆς  
 ἀγορᾶς ἀδίκως ἀπῆγον. οὗτοι τοίνυν τοσαύτην ὑπερ-  
 βολὴν ἐποιήσαντο ἐκείνων τῆς αὐτῶν πονηρίας, ὥστ'  
 ἐν δημοκρατίᾳ πολιτευόμενοι τὴν ἰδίαν οἰκίαν ἐκάστω  
 δεσμωτήριον καθίστασαν, τοὺς ἔνδεκ' ἄγοντες ἐπὶ τὰς  
 165 οἰκίας. καίτοι, ὦ ἄνδρες Ἀθηναῖοι<sup>s</sup>, τί οἴεσθε, ὅπότ'  
 ἄνθρωπος πένης, ἥ καὶ πλούσιος, πολλὰ δ' ἀνηλω-  
 κῶς καὶ τιν' ἴσως τρόπον εἰκότως οὐκ εὐπορῶν ἀργυ-  
 ρίου, μὴ μόνον εἰς τὴν ἀγορὰν φοβοῖτ' ἐμβαλεῖν,  
 ἀλλὰ μῆδ' οἴκοι μένειν ἀσφαλὲς ἡγοῖτο, ὁ δὲ τούτων  
 αἴτιος Ἀνδροτίων εἶη, ὃν οὐδ' ὑπὲρ αὐτοῦ δίκην ἐᾷ  
 λαβεῖν τὰ πεπραγμένα καὶ βεβιωμένα, μή τί γ' ὑπὲρ  
 166 τῆς πόλεως [εἰσπράττειν εἰσφοράς]<sup>t</sup>; καίτοι εἴ τις  
 ἔροιτ' αὐτὸν ἢ σὲ ὦ Τιμόκρατες τὸν ἐπαινέτην τοῦ- 752  
 των καὶ συνεργόν, τὰς εἰσφορὰς πότερον τὰ κτήματ'  
 ἢ τὰ σώματ' ὀφείλει, τὰ κτήματα φήσαιτ' ἂν, εἶπερ

<sup>s</sup> δικασταὶ Z Bekk. *Illud ΣΑΩkr et || Androt.*

<sup>t</sup> om. || Androt. *Uncis incluserunt* Bl. Weil, *post Herwerdenum.*

οὗτος ἀσελγέστερος γέγονε || Androt. where see note on ἀσελ-  
 γής.

εὖ οἶδ' ὅτι om. || Androt. Bl.  
 τριάκονθ' ἅπαντες] τριάκοντα,  
 πάντες from || Androt. is less well  
 supported, but sounds better, at  
 least to my ear.

§ 164. ἀλλ' αὐτὸ τοῦτο κατη-  
 γοροῦσι || Androt. § 52 ἀλλὰ  
 τοῦτο κατηγοροῦμεν.

οὗτοι...ἐποιήσαντο] || Androt.  
 in the singular οὗτος...ἐποίησατο  
 and so τῆς αὐτοῦ βδελυρίας for  
 τῆς αὐτῶν πονηρίας...πολιτευόμε-  
 νος...καθίστη...τοὺς ἔνδεκ' ἄγων.

§ 165. μὴ μόνον...ἀσφαλὲς  
 ἡγοῖτο] || Androt. § 53 more at  
 length: ἡ τέγος ὡς τοὺς γείτονας  
 ὑπερβαῖνοι ἢ ὑποδύοιθ' ὑπὸ κλίνην  
 ὑπὲρ τοῦ μὴ τὸ σῶμ' ἀλούς εἰς τὸ  
 δεσμωτήριον ἔλκεσθαι, ἢ ἀλλ' ἀ-  
 σχημονοίη, ἃ δούλων, οὐκ ἐλευθέ-  
 ρων ἐστὶν ἔργα, καὶ ταῦθ' ὑπὸ τῆς  
 γυναικὸς ὀρφῶτο ποιῶν, ἣν ὡς ἐλεύ-  
 θερος ἡγγυήσατο καὶ τῆς πόλεως  
 πολίτης.

§ 166. ἢ σὲ ἄ Τιμόκρατες...  
 συνεργόν] Omitted in Androt.  
 § 54.

φήσαιτ' ἂν...βούλοισθε] || An-  
 drot. φήσειεν ἂν...βούλοιοτο.

ἀληθῆ λέγειν βούλοισθε· ἀπὸ γὰρ τούτων εἰσφέρο-  
 μεν. τίνος οὖν εἵνεκ', ὃ κάκιστοι πάντων ἀνθρώπων,  
 ἀφέντες τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας, καὶ  
 ταυτ' ἀπογράφειν, ἐδεῖτε καὶ ὑβρίζετε πολίτας ἀν-  
 θρώπους<sup>ν</sup> καὶ τοὺς ταλαιπώρους μετοίκους, οἷς ὑβρι-  
 στικώτερον ὑμεῖς ἢ τοῖς οἰκέταις τοῖς ὑμετέροις αὐ-  
 167 τῶν ἐχρήσθε; καὶ μὴν εἰ ἐθέλοιτε<sup>×</sup> σκέψασθαι παρ'  
 ὑμῖν αὐτοῖς, ὃ ἄνδρες δικασταί, τί δοῦλον ἢ ἐλεύθερον  
 εἶναι διαφέρει, τοῦτο μέγιστον ἂν εὔροιτε, ὅτι τοῖς  
 μὲν δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάντων  
 ὑπεύθυνόν ἐστι, τοῖς δ' ἐλευθέροις ὕστατον τοῦτο  
 προσήκει κολάζειν. οἱ δὲ τοῦναντίον εἰς τὰ σῶμαθ',  
 168 ὥσπερ ἀνδραπόδοις, ἐποιήσαντο τὰς τιμωρίας. οὕτω  
 δ' ἀνίσως καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς Ἀνδρο-  
 τίων ὥστε τὸν μὲν αὐτοῦ πατέρα ᾤετο δεῖν, δημοσίᾳ  
 δεθέντα ἐπὶ χρήμασιν ἐν τῷ δεσμωτηρίῳ, μήτ' ἀπο-  
 δόντα ταῦτα μήτε κριθέντ' ἀποδρᾶναι, τῶν δ' ἄλλων  
 πολιτῶν τὸν μὴ δυνάμενον τὰ ἑαυτοῦ θεῖναι οἴκοθεν  
 169 εἰς τὸ δεσμωτήριον ἀχθένθ' ὑφ' ἑαυτοῦ δεδέσθαι. καὶ

<sup>ν</sup> ὑβρίζετ' ἀνθρώπους πολίτας Bl.

<sup>×</sup> 'θέλετε Z Bekk. Bens. θέλετε libri praeter v. θέλοιτε Bl.

εἰδεῖτε καὶ ὑβρίζετε] Again the plural in order to include Timocrates. || Androt. ξδεις καὶ ὑβρίζεις: and so οἷς ὑβριστικώτερον ἢ τοῖς οἰκέταις τοῖς σαυτοῦ κέχρησαι.

§ 167. εἰ ἐθέλοιτε] So Dindorf here and in || Androt. § 55 for θέλετε, in this instance against the weight of evidence. Cf. § 163.

παρ' ὑμῖν...δικασταί] Omitted in || Androt.

ὕστατον τοῦτο προσήκει κολάζειν] || Androt. κἂν τὰ μέγιστ' ἀτυχῶσι, τοῦτό γ' ἐνεστι σῶσαι· εἰς χρήματα γὰρ τὴν δίκην περὶ τῶν πλείστων παρὰ τούτων προσ-

ήκει λαμβάνειν. Cobet acutely remarks that the orator felt he had gone too far, since capital punishment of free citizens was common enough; and accordingly, in repeating himself, puts in ὕστατον as a saving clause (*Misc. Crit.* p. 532).

οἱ δὲ...ἐποιήσαντο] In || of Androtion only, ὁ δὲ...ἐποιεῖτο.

§ 168. ἀνίσως] ἀσυχρῶς || Androt. § 56. Ἀνδρῶσιων omitted as there unnecessary.

ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι] || Androt. ἔλκεσθαι. Here for the present the repetition comes to an end.

Τιμοκράτης τῶν μὲν πολλῶν ἡμῶν τότε, ὅτε τὴν διπλασίαν εἰσέπραττεν, οὐδ' ἂν παρ' ἐνὸς λαβεῖν ἠθέλησεν ἐγγυητάς, μὴ μέχρι τῆς ἐνάτης πρυτανείας, ἀλλ' οὐδὲ μιᾶς<sup>γ</sup> ἡμέρας, ἀλλ' ἡ διπλᾶ τὰ χρήματ' ἔδει καταβάλλειν ἢ παραχρήμα δεδέσθαι. παρεδίδου δ' οὗτος τοῖς ἔνδεκα τὸν οὐκ ὠφληκότ' ἐν τῷ δικαστηρίῳ. νῦν δ' ὅπως ὧν ἂν ὑμεῖς καταγνῶτ' ἄδετοι πε- 753 ρίασιν, ὑπεύθυνον αὐτὸν ποιήσας νόμον εἰσενεγκεῖν ἐτόλμησεν.

170 Ἄλλ' ὅμως κακεῖνα καὶ τάδε φήσουσιν ὑπὲρ ὑμῶν πράττειν. εἴτα ταῦθ' ὑμεῖς ἀναδέξεσθε<sup>z</sup> [ὑπὲρ ὑμῶν πεπρᾶχθαι]<sup>a</sup>, καὶ τὰ τῆς τούτων θρασύτητος καὶ

<sup>γ</sup> ἀλλὰ μιᾶς Z Bens. ἀλλ' οὐδεμιᾶς Dind.

<sup>z</sup> ἀνέξεσθε TΩkrs quod placet.

<sup>a</sup> Uncis incl. Bl.

§ 169. τῶν μὲν πολλῶν ἡμῶν ...παρ' ἐνὸς] 'from one of us common folk.' Invidiously contrasted with the professional politicians (ῥήτορες), who would stand by one another.

ὅτε τὴν διπλασίαν εἰσέπραττεν] 'in the cases when he levied the double amount:' the imperf. marks a repeated action. διπλασίαν, § 111 n.

μὴ μέχρι] μὴ ὅτι, as G. H. Schaefer observes, would be more usual, but the meaning is the same: 'ne forte putes.'

ἀλλ' οὐδὲ μιᾶς] To omit οὐδὲ, with Σ, Benseler and Z, sounds very poor. δεδέσθαι, § 60 n.

τὸν οὐκ ὠφληκότα]. opp. to ὧν ἂν ὑμεῖς καταγνῶτε.

ὅπως.....περίασιν] Several MSS., though not the best, read περιώσιν. As Cobet notes, *Nov. Lect.* p. 515, the copyists were prone to alter the future after ὅπως into the subjunctive; or they may not have known that *περίασιν* is future.

ὑπεύθυνον αὐτὸν ποιήσας] 'he has dared to introduce a law and to make himself responsible for it.'

§§ 170, 171. *Timocrates, and those whose cause he has taken up, will say that they are acting for your good. But such a plea, and the appeal for mercy grounded upon it, ought only to be listened to in the case of men who show that they have in them the spirit of the Athenian constitution. That spirit is to pity the weak, to repress the strong and powerful: the exact opposite of theirs.*

§ 170. κακεῖνα καὶ τάδε] 'both on this and the former occasion;' πράττειν imperf. infin. (Weil).

ἀναδέξεσθε...πεπρᾶχθαι] 'will you then admit that such things have been done?' K. ἀλλὰ 'nay on the contrary.' But the words ὑπὲρ ὑμῶν πεπρᾶχθαι are much better away; and the easier reading ἀνέξεσθε has good



πονηρίας ἔργα πρῶως οἴσετε; ἀλλὰ μισεῖν ὀφείλετε  
 τοὺς τοιούτους, ὧς ἄνδρες Ἀθηναῖοι, μᾶλλον ἢ σφῶζειν.  
 τὸν γὰρ ὑπὲρ τῆς πόλεως πρᾶττοντά τι καὶ πρῶων  
 ὑμῶν τευξόμενον τὸ τῆς πόλεως ἦθος ἔχοντα δεῖ  
 171 φαίνεσθαι. τοῦτο δ' ἐστὶ τί; τοὺς ἀσθενεῖς ἐλεεῖν,  
 τοῖς ἰσχυροῖς καὶ δυναμένοις μὴ ἐπιτρέπειν ὑβρίζειν,  
 οὐ τοὺς μὲν πολλοὺς ὡμῶς μεταχειρίζεσθαι, κολα-  
 κεύειν δὲ τὸν αἰεὶ τι δύνασθαι δοκοῦντα. ὃ σὺ ποιεῖς,  
 ὧς Τιμόκρατες· δι' ἃ πολλῶ μᾶλλον ἂν εἰκότως μὴ  
 θελήσαντες<sup>b</sup> ἀκοῦσαι σοῦ θάνατον καταψηφίσαι· θ'  
 οὗτοι ἢ δι' Ἀνδροτίων ἀφείησαν<sup>c</sup>.

<sup>b</sup> 'θελήσαντες Z Bens.

<sup>c</sup> ἀφείσαν Z Bekk. Bens. v. not.

MS. support. On σφῶζειν opp. to μισεῖν, Androt. § 64 n.

πρῶων ὑμῶν τευξόμενον] 'who would experience your clemency.' K.

§ 171. τὸν αἰεὶ τι δύνασθαι δοκοῦντα] 'those who appear from time to time to possess influence.' K.

θάνατον καταψηφίσαι· θ'] Cf. § 95 extr. ὅτιοῦν ἂν πάθοις; § 119 extr. τῆς ἐσχάτης τιμωρίας τυχεῖν.

ἀφείησαν] There is no thoroughly satisfactory reading here. Good Attic requires the optative, and ἀφείην as the form of it; Dindorf follows one MS. 'correctus v.,' all other MSS. and edd. agreeing in ἀφείσαν; and Shilleto approves (on F. L. p. 363 § 71=80). I do not see how the imperfect is to be justified here, even if we were to omit διὰ and translate 'acquitted Androtion' on the former trial. Cf. § 8 n. It is worth noting that according to the late (and modern) Greek pronunciation, ἀφείσαν and ἀφείη-

σαν are undistinguishable, having the same accent.

§§ 172—175. Their pretence of public spirit is easily exposed; for while levying arrears of taxes on men for whose shortcomings there was often the excuse of inability, they have done nothing in their political careers for the repression of much more serious offences. The public treasury has been robbed of much larger sums, the contributions of our allies and of those who pay their taxes readily. Many generals and orators have been brought to justice for these peculations: neither of you two has ever appeared as the accuser of any of these, never expressed indignation at the way the state was being fleeced (173). The fact is (turning to the jury) that Androtion and men like him are accomplices with such offenders and share largely in their illicit gains (174). You ought to punish such men when you catch them, whether the time that has since elapsed be long or short.

- 172 "Οτι τοίνυν οὐδὲ τὴν εἴσπραξιν αὐτὴν ὑπὲρ ὑμῶν  
 πεποιήνται, καὶ τοῦτ' αὐτίκα δὴ μάλ' ὑμῖν δῆλον  
 ποιήσω. εἰ γάρ τις ἔροιτ' αὐτοὺς πότερ' αὐτοῖς  
 δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν, οἱ γεωργοῦντες  
 καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεῖα ἀνα-  
 λώματα καὶ λειτουργίας ἐτέρας ἐλλελοιπότες εἰσφο-  
 ράν<sup>d</sup>, ἣ οἱ τὰ τῶν ἐθελησάντων εἰσενεγκεῖν χρήματα  
 καὶ τὰ παρὰ τῶν συμμάχων κλέπτουντες καὶ ἀπολ-  
 λύντες, οὐκ ἂν εἰς τοῦτο δῆπου τόλμης, καίπερ ὄντες  
 ἀναιδεῖς, ἔλθοιεν ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ εἰσ-  
 φέροντας μᾶλλον [ἀδικεῖν] ἢ τοὺς τὰ κοινὰ ὑφαιρου-  
 173 μένους. τίνος οὖν εἵνεκ', ὦ Τιμόκρατες καὶ Ἀνδρο-  
 τίων, ἐτῶν ὄντων πλειόνων ἢ τριάκοντ' ἀφ' οὗ ὅ γ' 754  
 ἕτερος ὑμῶν πολιτεύεται, καὶ ἐν τούτῳ τῷ χρόνῳ  
 πολλῶν μὲν στρατηγῶν ἡδίκηκότων τὴν πόλιν, πολ-  
 λῶν δὲ ῥητόρων, οἱ παρὰ τουτοισὶ κέκρινται, ὧν οἱ  
 μὲν τεθνᾶσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες  
 ὥχοντο καταγνόντες αὐτῶν, οὐδενὸς πώποτε τούτων  
 ἐξητάσθη κατήγορος ὑμῶν οὐδέτερος, οὐδ' ἀγανακτῶν

<sup>d</sup> εἰσφορὰς Z Bekk. Bens. cum Σ.

If you show leniency now, you will be thought to have acted from passion and not from justice, when you compelled them to disgorge the money (175).

§ 172. This section follows Androt. § 65 *verbatim* with only the necessary changes from the singular to the plural: πεποιήνται for πεποιήται, αὐτοὺς πότερον αὐτοῖς for αὐτὸν πότερον αὐτῷ, ὄντες ἀναιδεῖς ἔλθοιεν for ὧν ἀναιδὴς ἔλθοι.

§ 173. The invective of Androt. § 66 is ingeniously made to fit two persons.

ὦ Τιμόκρατες καὶ Ἀνδροτίων]

|| Androt. ὦ βδελυρέ.

ὅ γε ἕτερος ὑμῶν πολιτεύεται]

|| Androt. σὺ πολιτεύει. Hence it may be inferred that Timocrates was much younger than Androtion; or, if the passage be not genuine, the writer wished to avoid committing himself to any statement about T.'s age at this time, of which he knew nothing. For ὑποχωρήσαντες ὥχοντο καταγνόντες αὐτῶν || Androt. has ἀποχωρήσαντες φεύγουσι: then ἐξητάσθης..... ὥφθης...

οὐδ' ἀγανακτῶν ..... πᾶσχει] There seems no reason why these words should be bracketed (as by Blass) here any more than in || Androt.

ᾧφθη ὑπὲρ ὧν ἡ πόλις πάσχει<sup>c</sup>, ἀλλ' ἐνταῦθ' ἐφάνηθ'  
 174 ἡμῶν κηδόμενοι, οὗ πολλοὺς ἔδει κακῶς ποιῆσαι; βού-  
 λεσθ', ὧ ἄνδρες Ἀθηναῖοι, τὸ τούτων αἴτιον ἐγὼ ὑμῖν  
 εἶπω; ὅτι τούτων μὲν μετέχουσιν ὧν ἀδικοῦσιν ὑμᾶς  
 τινές. ἀπὸ δὲ τῶν εἰσπραττομένων ὑφαιρούνται δι'  
 ἀπληστίαν δὲ τρόπων διχόθεν καρποῦνται τὴν πόλιν.  
 οὔτε γὰρ ῥᾶον πολλοῖς καὶ μικρ' ἀδικοῦσιν ἀπε-  
 χθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα, οὔτε δημοτικώτερον  
 δῆπου τὰ τῶν πολλῶν ἀδικήμαθ' ὁρᾶν ἢ τὰ τῶν  
 175 ὀλίγων. ἀλλὰ τοῦτ' αἴτιον οὐ γὰρ λέγω. δεῖ τοίνυν  
 ὑμᾶς ταῦτα λογιζομένους<sup>e</sup>, καὶ μεμνημένους ὧν ἂν  
 ἕκαστος ἀμάρτη, κολάζειν, ὅταν λάβητέ τινα, καὶ μὴ  
 τὸν χρόνον εἰ πολὺς ἐστ' ἀπ' ἐκείνου σκοπεῖν, ἀλλ'  
 εἰ ταῦτ' ἐποιοῦν. ὥς εἰ νῦν πράως οἴσεται<sup>f</sup> ἐφ' οἷς τότε

<sup>c</sup> πάσχει Z Bens. cum ΣFuB. πάσχοι Bekk. Dind. <sup>f</sup> add. κατὰ  
 Z Bekk. Bens. <sup>e</sup> λογιζομένους Z Bekk. Bens. cum Σ quod mireris.

ἀλλ' ἐνταῦθ' ἐφάνηθ'] || Androt. οὕτως ὧν θρασὺς καὶ λέγειν δεινός, ἀλλ' ἐνταῦθ' ἐφάνης κηδε-  
 μῶν ὧν οὐ σε πολλοὺς ἔδει κακῶς  
 ποιῆσαι.

§ 174. Verbatim from Androt. § 67 with the usual changes: μετέ-  
 χουσιν ... ὑφαιρούνται ... καρποῦν-  
 ται for μετέχει... ὑφαιρεῖται... καρ-  
 ποῦται. According to Benseler, however, the text of || Androt. has been altered into greater conformity with the present passage than it originally exhibited: see the note there.

§ 175. A weaker substitution for § 68 of the Androtion, with its touches of vigorous humour. The platitudes of this section, and the obscurity of its allusions—for the difficulty of deciding what transaction is alluded to in κατεγνωκέναι τὰ χρήματα τούτων is in strong contrast with the generally clear presentment of facts in both speeches—un-

questionably seem to point to Benseler's conclusion that this part of the speech has been interpolated.

εἰ ταῦτ' ἐποιοῦν] 'whether they were guilty of these things,' ἐποιοῦν is used, not ἐποίησαν, as a series of acts is intended.

ὥς εἰ νῦν... ἐφ' οἷς τότε'] To what does τότε refer? Reiske thought, to the former action of Euctemon (and Diodorus) against Androtion. But there is reason to think he was acquitted on that trial (above § 8): and even if it were not so, I fully agree with Mr Whiston that the argument is not logical or relevant: that Timocrates' offence in proposing the law is 'not the same as, nor even *in pari materia* with, the acts which had previously caused the indignation in question.' See the next note.

ἡγανακτεῖτε, δόξετ' ὀργιζόμενοι κατεγνωκέναι τὰ χρήματα τούτων, οὐκ ἀδικούμενοι. τῶν μὲν γὰρ ὀργιζομένων ἐστὶν ὀξέως τι κακὸν τὸν λελυπηκότ' ἐργάσασθαι<sup>h</sup>, τῶν δ' ἀδικουμένων, ὅταν ποθ' ὑφ' αὐτοῖς<sup>i</sup> λιβώσι τὸν ἡδίκηκότα, τότε τιμωρήσασθαι. οὐκ οὖν δεῖ δοκεῖν, νῦν μαλακισθέντας, τότε τῶν ὁμωμοσμένων ὄρκων ἀμελήσαντας ὑμῖν αὐτοῖς χαρίσασθαι παρὰ τὸ δίκαιον, ἀλλὰ μισεῖν καὶ μηδ' ἀνέχεσθαι φωνὴν μήτε 755 τούτου μήτ' ἐκείνου, τοιαῦτα πεπολιτευμένων.

176 Ἀλλὰ ἢ Δία ταῦτα μόνον τοιοῦτοι γεγόνασιν ἐν

<sup>h</sup> εἰργάσθαι Bl.

<sup>i</sup> ὑπ' αὐτοῖς Z Bekk. Bens.

δόξετ' ὀργιζόμενοι... οὐκ ἀδικούμενοι] 'it will be thought that you condemned these men in those sums of money because you were angry, not because you were injured.' κατεγνωκέναι τὰ χρήματα τούτων clearly refers to the same event as τότε: and this is, I think, the decree of Euctemon mentioned in § 13, the effect of which had been that Androtion, Melampus and Glauketes, after having exhausted every subterfuge, were ultimately compelled to refund the prize-money taken on board the trireme (χρήματα Ναυκρατικὰ, § 11). Even so, the argument does not seem worthy of Demosthenes: but, on the other hand, we have seen abundant proofs that he was not particular as to the logical exactness of any argument which was likely to weigh with a jury who heard it only once: and he may have used it.

νῦν μαλακισθέντας] 'by your present leniency.'—ὁμωμοσμένων, Androt. § 4 n.

ὑμῖν αὐτοῖς χαρίσασθαι] Not as K. 'gave way to your feelings,' implying pity: but as R. W. 'gratified your passions,'

i.e. your avarice. The temptation to which they would be thought to have yielded was that of voting invariably in favour of treasury claims, right or wrong (Androt. § 48 n.). Hyperides pays an adroit, but I fear undeserved compliment to an Athenian jury, when he pronounces it impossible that they should entertain any other thought than that of the guilt or innocence of the accused. Polyeuctus, the prosecutor of Euxenippus, had repeatedly made invidious allusions to the wealth of the defendant, with insinuations that it was ill-gotten: in ignorance, observes the counsel for the defence, of the fact that οὔτε δῆμός ἐστιν οὐδὲ εἷς ἐν τῇ οἰκουμένη οὔτε μόναρχος οὔτε ἔθνος μεγαλοψυχότερον τοῦ δήμου τοῦ Ἀθηναίων, τοὺς δὲ συκοφαντούμενους τῶν πολιτῶν ἢ καθ' ἓνα ἢ ἀθρόος οὐ πρότεται ἀλλὰ βοηθεῖ (pro Eux. col. 42, 43).

§§ 176-186. In these sections the verbal correspondence is almost exact: the few alterations are noted.

§ 176. || Androt. § 69 ταῦτα

οἷς πεπολίτευνται, ἄλλα δ' ἔσθ' ἃ καλῶς διωκῆκασιν  
 ἄλλα καὶ τᾶλλ' οὕτω προσεληλύθασι πρὸς ὑμᾶς  
 ὥσθ' ἡκιστ' ἐν οἷς ἀκηκόατ' ἄξιόν ἐστι μισεῖν αὐ-  
 τοὺς. τί γὰρ βούλεσθε εἶπω; τὰ πομπεῖα ὡς ἐπε-  
 σκευάκασι, καὶ τὴν τῶν στεφάνων καθαίρεσιν, ἢ τὴν  
 177 τῶν φιαλῶν ποίησιν τὴν καλήν; ἀλλ' ἐπὶ τούτοις γ',  
 εἰ μὴδὲν ἄλλο ἡδίκουν τὴν πόλιν, τρίς, οὐχ ἅπαξ  
 τεθνάναι δικαίως ἂν μοι δοκοῦσι· καὶ γὰρ ἱεροσυλία  
 καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς δεινοτάτοις εἰσὶν  
 ἔνοχοι. τὰ μὲν οὖν πόλλ' ὧν λέγων ὑμᾶς ἐφενάκιζεν  
 Ἀνδροτίων παραλείψω· φήσας δ' ἀπορρεῖν τὰ φύλλα  
 τῶν στεφάνων καὶ σαπρούς εἶναι διὰ τὸν χρόνον,  
 ὥσπερ ἴων ἢ ῥόδων ὄντας, ἀλλ' οὐ χρυσίου, συγχω-  
 νεύειν ἔπεισει. αἰρεθεῖς δ' ἐπὶ ταῦτα προσεῖλετο  
 178 τοῦτον τὸν πάντων τῶν κακῶν κοινωνόν. καὶ τ' ἐπὶ  
 μὲν ταῖς εἰσφοραῖς τὸν δημόσιον παρῆναι προσέγρα-  
 ψεν ὡς δὴ δίκαιος ὢν<sup>κ</sup>, ὧν ἕκαστος ἀντιγραφεὺς  
 ἔμελλεν ἔσεσθαι τῶν εἰσενεγκόντων· ἐπὶ τοῖς στε-  
 φάνοις δ', οὓς κατέκοπτεν, οὐχὶ προσήγαγε ταῦτ' ὡς  
 δίκαιον τοῦτο, ἀλλ' αὐτὸς ῥήτωρ, χρυσοχόος, ταμίας,  
 179 ἀντιγραφεὺς γέγονεν. καὶ μὴν εἰ μὲν ἅπαντ' ἡξίους,  
 ὅσα πραττεῖς τῇ πόλει, σαυτῷ πιστεύειν, οὐκ ἂν  
 ὁμοίως κλέπτῃς ὧν ἐφωρῶ· νῦν δ' ἐπὶ ταῖς εἰσφοραῖς  
 ὁ δίκαιός ἐσθ' ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ τοῖς  
 αὐτῆς δούλοις τὴν πόλιν, ὅπότ' ἄλλο τι πράττων καὶ  
 χρήματα κινῶν ἱερά, ὧν ἐνὶ οὐδ' ἐπὶ τῆς ἡμετέρας 756

<sup>κ</sup> δίκαιον ὃν Bl.

μὲν τοιοῦτός ἐστιν, ἐν οἷς πεπο-  
 λίτευται... διώκηκεν... προσεληλύ-  
 θε... ἐπεσκεύασε.

§§ 177, 178. || Androt. §§ 69,  
 70 εἰ καὶ μὴδὲν ἄλλο ἀδικῶν  
 ἔτυχε... δίκαιος ὧν φανέται... ἐστὶν  
 ἔνοχος... ἐφενάκιζεν ὑμᾶς Ἀνδρο-

τίων.

αἰρεθεῖς δ' ἐπὶ ταῦτα—κοινωνόν]  
 Omitted in || Androt., but needed  
 here to connect 'T. with A.'s  
 misdeeds.

§ 179. || Androt. § 71 τοῖς  
 ἐαυτῆς δούλοις... οὐκ εὐθελον δι' αἱ.



γενεᾶς ἀνετέθη, μὴ προσγραφάμενος τὴν αὐτὴν φυ-  
 λακὴν ἥνπερ ἐπὶ τῶν εἰσφορῶν φαίνει, οὐκ ἤδη δῆλον  
 180 δι' ὃ τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι. καὶ μήν, ὦ  
 ἄνδρες Ἀθηναῖοι, καὶ κατὰ παντὸς<sup>1</sup> τοῦ χρόνου σκέ-  
 ψασθε ὡς καλὰ καὶ ζηλώτ' ἐπιγράμματα τῆς πόλεως  
 ἀνελὼν ὡς ἀσεβῇ καὶ δεινὰ ἀντεπέγραψεν. οἶμαι  
 γὰρ ὑμᾶς ἅπαντας ὁρᾶν ὑπὸ τῶν στεφάνων ταῖς  
 χοινικίσι κατῶθεν γεγραμμένα “οἱ σύμμαχοι τὸν  
 “δῆμον<sup>m</sup> ἀνδραγαθίας εἵνεκ' ἐστεφάνωσαν<sup>n</sup> καὶ δι-  
 “καιοσύνης” ἢ “οἱ σύμμαχοι ἀριστεύον τῇ Ἀθηναίᾳ  
 “ἀνέθεσαν” ἢ κατὰ πόλεις “οἱ δεῖνες<sup>o</sup> τὸν δῆμον  
 ἐστεφάνωσαν “σφθέντες ὑπὸ τοῦ δήμου,” οἷον “Εὐ-  
 “βοεῖς ἐλευθερωθέντες ἐστεφάνωσαν τὸν δῆμον” ἐπε-  
 γέγραπτό που, πάλιν “Κόνων ἀπὸ τῆς ναυμαχίας  
 “τῆς πρὸς Λακεδαιμονίους,” “Χαβρίας ἀπὸ τῆς ἐν  
 181 “Νάξῳ ναυμαχίας.” τοιαῦτα γὰρ ἦν τὰ τῶν στεφά-  
 νων ἐπιγράμματα. ταῦτα μὲν τοίνυν, ἃ πρότερον  
 ζῆλον πολλὸν εἶχε καὶ φιλοτιμίαν ὑμῖν, ἡφάνισται  
 καθαιρεθέντων τῶν στεφάνων· ἐπὶ δὲ ταῖς φιάλαις,  
 ἃς ἀντ' ἐκείνων ἐποίησαθ' ὑμῖν ὁ πόρνος οὗτος,  
 “Ἀνδροτίωνος ἐπιμελουμένου<sup>p</sup>” ἐπιγέγραπται, καὶ  
 οὗ τὸ σῶμα ἡταιρηκότος οὐκ ἐῷσιν οἱ νόμοι [εἰς  
 τὰ ἱερὰ εἰσιέναι], τούτου τοῦνομα ἐν τοῖς ἱεροῖς ἐπὶ  
 τῶν φιαλῶν γεγραμμένον ἐστίν. ὅμοιόν γ', οὐ γάρ;  
 τοῦτο τοῖς προτέροις ἐπιγράμμασιν, ἢ φιλοτιμίαν

<sup>1</sup> καθ' ἅπαντος Z Bekk. Bens. cum Σ.

<sup>m</sup> add. τὸν Ἀθηναῖον Z Bekk. Illud Σ. <sup>n</sup> [ἐστεφάνωσαν] Bekk.

<sup>o</sup> οἱ τινες Z Bens. Bekk. cum ΣΤΩρ.

<sup>p</sup> add. ἐποίησαν vulgo et Dind. cum libris praeter Σ.

§ 180. || Androt. § 72 ἀν-  
 επιγέγραφεν... ἀνδραγαθίας ἕνεκα  
 καὶ δικαιοσύνης... τῇ Ἀθηναίᾳ om.  
 ἀνέθεσαν... τὸν δῆμον om. ἐστεφά-  
 νωσαν... [ἐπεγέγραπτό που]... om.  
 Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυ-

μαχίας. Bl. omits both ἐστε-  
 φάνωσαν (twice) ἀνέθεσαν and  
 ἐπεγέγραπτό που as not in || An-  
 drot.

§ 181. || Androt. § 73 om.  
 πρότερον... ἐπὶ ταῖς φιάλαις δ'...

- 182 ἴσην ἔχον ὑμῖν. τρία τοίνυν ἐκ τούτου<sup>α</sup> τὰ δεινότατ' ἂν τις ἴδοι πεπραγμέν' αὐτοῖς. τὴν μὲν γὰρ θεὸν τοὺς στεφάνους σεσυλήκασιν τῆς πόλεως δὲ<sup>ρ</sup> τὸν 757 ζῆλον ἠφανίσκασιν τὸν ἐκ τῶν ἔργων, ἃν ὑπόμνημα ἦσαν ὄντες οἱ στέφανοι· τοὺς δ' ἀναθέντας δόξαν οὐ μικρὰν ἀφήρηται, τὸ δοκεῖν ὦν ἂν εὖ πάθωσιν ἐθέλειν μεμνήσθαι. καὶ τοιαῦτα καὶ τοσαῦτα τὸ πλῆθος κάκ' εἰργασμένοι εἰς τοῦτ' ἀναισθησίας καὶ τόλμης προεληλύθασιν, ὥσθ' ὁ μὲν οἶεται δι' ἐκείνον ὑφ' ὑμῶν σωθήσεσθαι, ὁ δὲ παρακάθεται καὶ οὐ
- 183 καταδύεται τοῖς πεπραγμένοις. οὕτω δ' οὐ μόνον εἰς χρήματ' ἀναιδής, ἀλλὰ καὶ σκαιὸς ἐστίν, ὥστ' οὐκ οἶδεν ἐκεῖνο, ὅτι στέφανοι μὲν εἰσιν ἀρετῆς σημεῖον, φιάλαι δὲ καὶ τὰ τοιαῦτα πλούτου, καὶ στέφανος μὲν ἅπας, καὶ μικρὸς ἦ, τὴν ἴσην φιλοτιμίαν ἔχει τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυμιατήρια [ἢ τὰ τοιαῦτα κτήματα], εἰ μὲν ὑπερβάλλῃ τῷ πλήθει, πλούτου τινα δόξαν προσετρίψατο τοῖς κεκτημένοις, εἰ δ' ἐπὶ μικροῖς σεμνύνηται τις, τοσοῦτ' ἀπέχει τοῦ τιμῆς τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος πρὸς ἔδοξεν<sup>ε</sup> εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς δόξης, κτήματα τὰ τοῦ πλούτου πεποίηται μικρὰ καὶ ἀνάξι'
- 184 ὑμῶν. καὶ οὐδ' ἐκεῖν εἶδεν, ὅτι πρὸς μὲν χρηματίων κτήσιν οὐδεπώποθ' ὁ δῆμος ἐσπούδασε, πρὸς δὲ δόξης ὥς οὐδὲ πρὸς ἐν τῶν ἄλλων. τεκμήριον δέ· χρήματα μὲν γὰρ πλεῖστα τῶν Ἑλλήνων ποτὲ σχῶν

<sup>α</sup> τούτων Bekk.<sup>ρ</sup> τῆς δὲ πόλεως Z Bekk. Bens. cum Σ.<sup>ε</sup> προσέδοξεν Z Bekk. Bens. cum libris.

§ 182. || Androt. § 74 corresponds to a letter.

§ 183. || Androt. § 75 reads ... ἂν μὲν ὑπερβάλλῃ ... καὶ οὐχ ὑμῶν ἀξια.—τοσοῦτ' ἀπέχει, An-

drot, § 2 n.

§ 184. || Androt. § 76 εἰσφέρειν δ' ἐκ τῶν ἰδίων οὐδένα πάποτε κίνδυνον ὑπὲρ δόξης ἐξέστη ...σὺ πάλιν.

ἔιπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν, ὑπὲρ δὲ δόξης  
 εἰσφέρων ἐκ τῶν ἰδίων οὐδένα πώποτε κίνδυνον ἐξέ-  
 στη. ἀφ' ὧν κτήματ' ἀθάνατ' αὐτῷ περίεστι, τὰ μὲν  
 τῶν ἔργων ἢ μνήμη, τὰ δὲ τῶν ἀναθημάτων τῶν ἐπ'  
 ἐκείνοις σταθέντων τὸ κάλλος, προπύλαια ταῦθ', ὃ 758  
 παρθενῶν, στοαί, νεώσοικοι, οὐκ ἀμφορίσκοι δύο οὐδὲ  
 χρυσίδες τέτταρες ἢ τρεῖς, ἄγουσα ἐκάστη μνᾶν, ἅς,  
 185 ὅταν σοι δοκῇ, πάλιν γράψεις καταχωνεύειν<sup>τ</sup>. οὐ  
 γὰρ ἑαυτοὺς δεκατεύοντες, οὐδ' ἂν καταράσαινθ' οἱ  
 ἐχθροὶ ποιοῦντες, διπλᾶς πράττοντες τὰς εἰσφοράς,  
 ταῦτ' ἀνέθεσαν, οὐδ' οἷοισπερ<sup>ν</sup> σὺ χρώμενοι συμβού-  
 λους ἐπολιτεύοντο, ἀλλὰ τοὺς ἐχθροὺς κρατοῦντες,  
 καὶ ἃ πᾶς τις ἂν εὖ φρονῶν εὔξαιτο, τὴν πόλιν εἰς  
 ὁμόνοιαν ἄγοντες, ἀθάνατον κλέος αὐτῶν λελοίπασι,  
 τοὺς ἐπιτηδεύοντας οἶά σοι βεβίωται τῆς ἀγορᾶς  
 186 εἵργοντες. ὑμεῖς δ' εἰς τοσοῦτον, ὧ ἄνδρες Ἀθη-  
 ναῖοι, προῆχθ'<sup>x</sup> εὐθηείας καὶ ῥαθυμίας ὥστ' οὐδὲ  
 τοιαῦτ' ἔχοντες παραδείγματα ταῦτα μιμείσθε, ἀλλ'  
 Ἀνδροτίων ὑμῖν πομπείων ἐπισκευαστής, Ἀνδροτίων,  
 ὧ γῇ καὶ θεοί. καὶ τοῦτ' ἀσέβημ' ἔλαττον τίνος  
 ἡγείσθε; ἐγὼ μὲν γὰρ ἡγοῦμαι δεῖν τὸν εἰς ἱερὰ εἰσ-  
 ιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον, καὶ τῆς  
 πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον οὐχὶ  
 τακτὸν ἡμερῶν ἀριθμὸν<sup>ν</sup> ἀγνεύειν, ἀλλὰ τὸν βίον

<sup>τ</sup> ἄς...καταχωνεύειν om. Z Bekk. Bens. cum ΣκrsA' et pr. Υ. Uncis incl. Bl. <sup>ν</sup> οἷοισπερ Z Bekk. Bl. <sup>x</sup> προῆχθητε vulgo et Dind. Illud Bens. cum Σ. <sup>ν</sup> προειρημένων ἡμερῶν [ἀριθμὸν] Bl.

§ 185. || Androt. § 77 οὐ γὰρ αὐτοὺς.

οἷοισπερ] Here all MSS. preserve the true reading οἷοισπερ, wrongly altered from conjecture. Androt. § 64 n.

§ 186. Androt. § 78 εἰς τοῦτ'

ὧ ἄνδρες...τοιαῦτα ἔχοντες...προειρημένον ἡμερῶν ἀριθμὸν. It is difficult not to agree with Weil that the four §§ 183—186 (= Androt. 75—78) are out of place here, admirable as they are in themselves.

ἡγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ βεβίωται.

187 Καὶ περὶ μὲν τούτου<sup>2</sup> κατὰ σχολήν· ἃ δὲ Τιμο-

<sup>2</sup> τούτων Bekk. cum libris praefer Σ.

§§ 187—189. *I might say much more of Androtion and his expected defence of Timocrates: but I will not pursue that subject. To return to Timocrates: he says, I am told, that the three ambassadors have paid the money, and as they have satisfied the demands of justice, it would be cruel to convict him. But it is not open to him to argue in this way: it only lands him in a dilemma. If he proposed his law for the benefit of these men, that is of itself illegal: the law must be the same for all citizens. If for the general good, the fact that these men have paid is irrelevant: it must be shown that the law is expedient and right. This is just the point that the prosecution deny, and which the jury are now called to decide.*

§ 187. We have now reached the last of the critical points discussed in the Introduction, as to the *series juncturae* of this Speech. According to Benseler, as has been seen, the genuine speech is resumed after an extensive interpolation, beginning with § 110, including the whole of the extracts from the Androtion §§ 160—186, and ending only with the first sentence of this section, as *παύσομαι*. According to Blass's more conservative criticism, agreeing, except in a few minor points, with that of A. Schaefer, the break here is merely that between portions of the first and of the second recension, each proceeding from the hand of

Demosth. but wanting his final touches.

καὶ περὶ μὲν τούτου κατὰ σχολήν] τούτου referring to Androtion, the reading of Σ, is less vague and unsatisfactory than τούτων: but at best the passage is disjointed enough, and the transition very ill-managed. We have just heard a long invective against Androtion, repeated from the former speech: and now the orator says that he will return to the subject 'by and by,' or 'at leisure.' The difficulty of the phrase κατὰ σχολήν may be partly got over, by adopting, with Whiston, a suggestion of Sauppe's, *περὶ μὲν τούτου καὶ τῶν κατὰ σχολήν*, and connecting τὰ κατὰ σχολήν with τοιούτους λόγους σχολήν ἄγοντα ἐσκέφθαι § 158: a sneer at the 'elaborate' speech on which Timocrates is counting for his acquittal. But this reading in itself involves the acknowledgment of a serious corruption of the text: and the abruptness of the passage is still very harsh and, in my opinion, unlike the real work of Demosth. We are not bound to determine precisely the limits of the spurious passages, if we say that, while we do not accept the whole of Benseler's sweeping excision, the conclusion is forced upon us that in this speech we find work which, after making every allowance for Demosthenes' want of interest in it after the trial had ended, cannot be supposed to have been published by him

κράτει συνερεῖ, πολλὰ λέγειν ἔτι πρὸς τούτοις ἔχων παύσομαι. οἶδα δ' ὅτι, ὡς μὲν οὐκ ἀσύμφορος ὑμῖν ἐστὶν ὁ νόμος καὶ παρὰ πάντας τοὺς νόμους εἰσευνηνεγμένος καὶ κατὰ πάντ' ἀδίκως ἔχων, οὐχ ἔξει λέγειν· ἀκούω δ' αὐτὸν λέγειν ὡς ἐκτέτευσται τὰ χρήματ' Ἀνδροτίωνι καὶ Γλαυκέτῃ καὶ Μελανώπῳ, καὶ ὅτι δεινότατ' ἂν πάθοι πάντων ἀνθρώπων, εἰ πεποιηκώτων ἐκείνων τὰ δίκαια, ὑπὲρ ὧν [αὐτὸς] αἰτίαν ἔχει 759  
188 θεῖναι τὸν νόμον, μηδὲν ἡττον αὐτὸς ἀλίσκοιτο. ἐγὼ δὲ τὸν λόγον ἡγοῦμαι τοῦτον οὐδὲ καθ' ἐν λέγειν ἐνεῖναι

in its present shape. As Blass himself admits, passages which imply that the money had not been paid are mixed up almost inextricably with others like the present, which plainly assert the contrary. This want of coherence had been remarked even in ancient times: *τινὲς λέγουσιν ἐκ τούτου νομίζεσθαι τὸν λόγον ἀσύστατον*, is the remark of the Scholiast on *ἐκτέτευσται τὰ χρήματα*. There is not, in the entire Demosthenic collection, another example of a long extract of several pages repeated from a previous speech—the case of the Fourth Philippic is quite different—nor of a speech in which the existence of two recensions is so clearly proved by contradictions as to one of the leading points of the case, the payment or non-payment of the money by the ambassadors. Scarcely any of the matter of the speech, taken section by section, seems unworthy of Demosthenes: but the effect of the whole is to give an impression of confused arrangement which we cannot suppose to have proceeded from him. The conclusion seems to be that there were

really two distinct speeches, or a new recension of the speech owing to the turn taken by affairs: but that the welding of these two speeches into one is not to be ascribed to Demosthenes himself.

*ἐκτέτευσται τὰ χρήματα Ἀνδροτίωνι*] The dative of the agent (for *ὑπὸ τινος*) is almost confined to the perf. pass. With the participle of that tense it is the usual construction, e.g. *τῶν σοὶ πεπραγμένων* Demosth. F. L. p. 434 § 291=333 would almost always take the place of *τῶν ὑπὸ σοῦ πεπραγμένων*: with the indicative both constructions are found. Cf. Madvig, *Synt.* § 38.

*πεποιηκώτων...τὰ δίκαια*] 'have satisfied the demands of justice,' K. Perhaps rather, 'have complied with the law,' as in § 52 *ποιεῖν τὰ δίκαια σιγῇ*. So in the next section *τὰ προσήκοντα φῆς πεποιηκέναι*.

*αἰτίαν ἔχει*] This is the usual passive of *αἰτιάσθαι*: the only tense of the verb used passively is the aor. *ἡτιάθην*, and that very rarely: Thucyd. viii. 68 § 2, Xen. Hell. ii. 1 § 32.



τούτῳ. εἰ μὲν γὰρ ὑπὲρ τούτων, οὓς τὰ προσήκοντα  
 φῆς πεποιημέναι, θεῖναι τὸν νόμον ὁμολογεῖς, κατ'  
 ἐκείνο προσήκει σ' ἀλίσκεσθαι φανερώς, ὅτι μὴ τιθέ-  
 ναι νόμον, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσι τοῖς πολίταις,  
 ἄντικρυς οἱ κύριοι νόμοι λέγουσι, καθ' οὓς οὗτοι  
 189 δικάσειν ὁμωμόκασιν. εἰ δὲ τοῦ πᾶσι συμφέροντος  
 εἵνεκα ταῦτα νομοθετῆσαι φήσεις, μὴ λέγε τὴν ἔκτισιν  
 τὴν τούτων· οὐδὲν γὰρ κοινωνεῖ τῷ νόμῳ τῷδε· ἀλλ'  
 ὡς ἐπιτήδειός ἐστι καὶ καλῶς ἔχων ὁ νόμος, τοῦτο  
 δίδασκε. τοῦτο γάρ ἐσθ' ὑπὲρ οὗ σὺ μὲν εἰσενεγκεῖν  
 φῆς, ἐγὼ δὲ γέγραμμαι τάναντία φάσκων, κρῖναι δὲ  
 προσήκει τουτουσί. καίτοι καὶ τοῦτ' οὐκ ἰσχυροῦμαι  
 ἂν δεῖξαι, πάντα μᾶλλον ἢ κατὰ τοὺς νόμους πεποιη-  
 μένους τὴν ἔκτισιν ἐκείνους τὴν τῶν χρημάτων· ἀλλὰ  
 μὴ περὶ τούτων ὑμῶν οἰσόντων τὴν ψῆφον, τί δεῖ  
 ταῦτα λέγοντ' ἐνοχλεῖν με νυνί;  
 190 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν

§ 188. μὴ τιθέναι...λέγουσι]  
 'the existing laws expressly for-  
 bid.' In this sense λέγειν with  
 a negative is rare, ἀπαγορεύειν  
 is far more common; or as in  
 Androt. § 8 διαρρήδην οὐκ ἔαν.

§ 189. ἐγὼ δὲ γέγραμμαι]  
 'whereas I have impeached it  
 and assert the contrary,' that it  
 is οὐκ ἐπιτήδειος, contrary to  
 public policy.

πάντα μᾶλλον...τῶν χρημάτων]  
 'that the payment which those  
 men have made is anything but  
 a payment according to law.'

§§ 190—193. Again, he is  
 raising a false issue when he  
 tries to pose as the martyr of  
 humane and popular legislation,  
 and says that the humbler classes  
 are those who benefit most by  
 lenient laws. When he states  
 the object of his law to be 'that

no Athenian may be imprison-  
 ed,' this is false: for his real  
 object is that you may lose the  
 power to inflict additional pe-  
 nalties. Don't let him pick out  
 for quotation these expressions  
 in his law which sound most  
 humane, but do you judge it as  
 a whole (191). There are two  
 classes of things to which the  
 laws of all states have reference:  
 the acts and contracts of private  
 persons, and the conduct of  
 public men (192). It is your  
 interest that the former class of  
 laws should be framed with mild-  
 ness and humanity, but that  
 those which concern our public  
 duties should be stringent and  
 severe: for then you will suffer  
 the least amount of wrong from  
 your statesmen (193).

λόγων, ὥς δεινὰ ἂν πάθοι, εἰ γράψας ὅπως Ἀθηναῖον  
 μηδεὶς δεθήσεται αὐτὸς πείσεται τι κακόν, καὶ ὅτι  
 τοὺς νόμους ὡς πραοτάτους καὶ μετριωτάτους εἶναι  
 ὑπὲρ τῶν ἀδυνάτων μάλιστ' ἐστίν. πρὸς δὲ τοὺς  
 τοιοῦτους λόγους βέλτιον προακηκοέναι<sup>a</sup> μικρὰ πάν-  
 191 τας ὑμᾶς, ἵν' ἦττον ἐξαπατᾶσθε. ὅταν μὲν γὰρ λέγῃ,  
 ὅπως μηδεὶς δεθήσεται Ἀθηναίων, μὴ λανθανέτω  
 ψευδόμενος ὑμᾶς<sup>b</sup>. οὐ γὰρ τοῦτο τέθεικεν, ἀλλ' ὅπως 760  
 ὑμεῖς ἄκυροι τῶν προστιμημάτων ἔσεσθε καὶ τὴν  
 μεθ' ὅρκου καὶ λόγου καὶ κρίσεως ψῆφον ἐνηνεγμένην  
 ἀνάδικον καθίστησιν. μὴ δὲ ταῦθ' ὑμῖν τῶν ἐκ τοῦ  
 νόμου ῥημάτων ἐκλέξας λεγέτω, ἀ φιλανθρωπότατ'  
 ἐστὶν ἀκοῦσαι· ἀλλ' ὅλον δεικνύτω τὸν νόμον ἐξῆς,  
 καὶ τὰ συμβαίνοντ' ἐξ αὐτοῦ σκοπεῖν ἐάτω. εὐρή-  
 σετε γὰρ ταῦτ' ὄνθ' ἀ ἐγὼ<sup>c</sup> λέγω, καὶ οὐχ ἢ φησιν  
 192 οὗτος. ἀλλὰ μὴν πρὸς γε τὸ τοῖς πολλοῖς συμφέρειν  
 τοὺς νόμους πρᾶους καὶ μετρίους εἶναι τάδε χρή σκο-  
 πεῖν. ἐστὶν, ὦ ἄνδρες Ἀθηναῖοι, δύο εἶδη, περὶ ὧν  
 εἰσιν οἱ νόμοι κατὰ πάσας<sup>d</sup> τὰς πόλεις· ὧν τὸ μὲν  
 ἐστὶ, δι' ὧν χρώμεθα ἀλλήλοις καὶ συναλλάττομεν

<sup>a</sup> ἀκηκοέναι Bens. Bl. cum Σ.<sup>b</sup> [ὑμᾶς] Bl.<sup>c</sup> ταῦτα ἀ ἐγὼ Z cum Σ. ταῦθ' ἀγὼ Bens.<sup>d</sup> καθ' ἀπάσας Z Bekk. Bens. cum ΣFv.

§ 190. ἀδυνάτων] § 135 n.  
 προακηκοέναι] 'that you should  
 at once hear beforehand.' § 90  
 n.

§ 191. λέγῃ, ὅπως] 'when he  
 says the words "in order that  
 no Athenian may be imprison-  
 ed:"' or γράψαι or τεθεικέναι  
 may be supplied.

λανθανέτω ψευδόμενος ὑμᾶς] i.e.  
 λανθανέτω ὑμᾶς. ψεύδεσθαι with  
 acc. = ἐξαπατᾶν is almost con-  
 fined to poetry: there is an ex-  
 ample in Xenophon, but that is  
 not saying much.—προστιμημά-

των, § 2 n.

μεθ' ὅρκου καὶ λόγου καὶ κρί-  
 σεως] 'upon oath, and after  
 argument and trial.'

ἀνάδικον καθίστησιν] 'he ren-  
 ders subject to an appeal.' § 54  
 n. and Dict. Antiq. s.v. 'Ap-  
 pellatio' (Greek).

§ 192. δύο εἶδη] 'there are  
 two classes of things with which  
 the laws deal,' R. W. This is  
 more precise than 'to which  
 the laws have reference,' which  
 would be περὶ ἃ.

δι' ὧν χρώμεθα] i.e. ὧν (εἰδῶν)

καὶ περὶ τῶν ἰδίων ἂν χρὴ ποιεῖν διωρίσμεθα καὶ  
 ζῶμεν ὅλως τὰ πρὸς ἡμᾶς αὐτούς, τὸ δ', ὃν τρόπον  
 δεῖ τῷ κοινῷ τῆς πόλεως ἔν' ἕκαστον ἡμῶν χρῆσθαι,  
 ἂν πολιτεύεσθαι βούληται καὶ φῇ κήδεσθαι τῆς πό-  
 193 λεως. ἐκείνους μὲν τοίνυν τοὺς νόμους, τοὺς περὶ  
 τῶν ἰδίων, ἡπίως κεῖσθαι καὶ φιλανθρώπως ὑπὲρ τῶν  
 πολλῶν ἐστί· τοῖσδε δὲ τοὺς περὶ τῶν πρὸς τὸ δημό-  
 σιον, τοῖναντίων ἰσχυρῶς καὶ χαλεπῶς ἔχειν ὑπὲρ  
 ὑμῶν ἐστίν· οὕτω γὰρ ἂν ἥκισθ' οἱ πολιτευόμενοι  
 τοὺς πολλοὺς ὑμῶν<sup>ε</sup> ἀδικοῖεν. ὅταν δὴ τοῦτω τῇ  
 λόγῳ χρῆται, ἐπὶ ταῦτα ἀπαντᾷτε, ὅτι τοὺς νόμους  
 οὐκ ἐκείνους τοὺς ὑπὲρ ὑμῶν πράους ποιεῖ, ἀλλὰ  
 τοῖσδε οἱ τοῖς πολιτευομένοις φόβον παρέχουσιν.

<sup>ε</sup> ὑμῶν Bl. cum TQkrs. ὑμᾶς cett.

τὸ μὲν ἐστὶ περὶ ὧν εἰσὶν οἱ νόμοι  
 δι' ὧν χρῶμεθα: the second ὧν  
 refers not to εἶδη but to οἱ  
 νόμοι. The passage is well ren-  
 dered by R. W.: 'the first are  
 the subject of the laws by which  
 we regulate our intercourse and  
 contracts with one another, and  
 define our obligations in private  
 matters, and generally our re-  
 lations to each other in life;  
 the second (of those which)  
 determine the nature of the  
 obligations which each of us  
 owes to the state, if he would be  
 a public man and professes to  
 care for the state.' For συναλ-  
 λάττειν 'to contract' cf. i. Onet.  
 p. 867 § 12 τοιοῦτο πρᾶγμα συν-  
 αλλάττων, and συνάλλαγμα be-  
 low § 213.

διωρίσμεθα] The middle of  
 this verb is far more common  
 than the active in the Orators,  
 but the perf. mid. διώρισμαι is  
 rare. We find in ii. Onet. p.  
 877 § 8 δισχιλῶν μὲν ὠρισμένος  
 τὴν οἰκίαν, ταλάντου δὲ τὸ χωρίον.

§ 193. οὕτω γὰρ ἂν...ἀδικοῖεν]  
 A characteristic passage: this  
 deep distrust of public men goes  
 down to the very roots of Athe-  
 nian life. On the prevailing  
 dishonesty which in some de-  
 gree justified it, see above § 79  
 n.

ἐπὶ ταῦτα ἀπαντᾷτε] 'meet  
 him with this reply,' cf. § 38  
 ἐφ' ἐκάστην ἀπαντᾷ τὴν ὁδὸν τῶν  
 ἀδικημάτων. A still nearer pa-  
 rallel is Mid. p. 563 § 151 (of  
 the friends of Midias) οὐκ ἐτόλ-  
 μων λέγειν, ἐπὶ ταῦτα δ' ἀπήντων,  
 'had recourse to this argument  
 in his defence.'

ἐκείνους] 'the former class,'  
 τοῖσδε 'the latter.'

§§ 194—199. Of the many  
 points as to which he will try to  
 deceive you I will mention only  
 one. Just see if he can con-  
 vince you that retroactive legis-  
 lation respecting what has been  
 judicially settled can ever be  
 right (194). If, as is probable,  
 you feel that it cannot, then

- 194 Πολλὰ δ' ἂν τις ἔχοι λέγειν, εἰ καθ' ἕκαστον ὧν ἐρεῖ δεικνύναι βούλοιτο φενακισμοῦ καὶ παρακρούσεως εἵνεκα ῥηθησόμενα. ἀλλὰ τὰ μὲν πολλὰ παρήσω, κεφάλαιον δ' ὑμῖν ὃ μνημονεύσεται ἔρω. σκοπεῖτ' 761 ἐν ἅπασιν τοῖς λόγοις, ὅπόσους ἂν λέγῃ, εἴ τι δυνήσεται τοιοῦτον εἰπεῖν, δι' οὗ διδάξει ὡς ἔστι δίκαιον τὸν τιθέντα νόμον ταῦτα προστάξαι περὶ τῶν παρεληλυθότων καὶ πρότερον τέλος ἐσχηκότων ποιεῖν καὶ περὶ τῶν μελλόντων γενήσεσθαι· πάντων γὰρ ὄντων αἰσχυρῶν καὶ δεινῶν τῶν γεγραμμένων ἐν τῷ νόμῳ, τοῦτο δεινότατον καὶ μάλιστα παράνομον γέγραπται.
- 195 εἰ δὲ μήθ' οὗτος μήτ' ἄλλος μηδεὶς τοῦτο<sup>f</sup> δυνήσεται δεῖξαι, εἰδέναι χρὴ<sup>g</sup> σαφῶς φενακισμένους<sup>h</sup>, καὶ λογίζεσθαι πρὸς ὑμᾶς αὐτοὺς ἐκ τίνος ποτ' ἐπήλθε τοῦτ' τοιαῦτα νομοθετεῖν. οὐ προῖκα, ὦ Τιμόκρατες,

<sup>f</sup> τοῦτο post εἰ δὲ transp. Z Bekk.

<sup>g</sup> add. καὶ συνιέναι Z Bekk. om. ΣΑΤΩκrs.

<sup>h</sup> add. ὑμᾶς Z Bekk.

consider what alone can have induced him to propose such a law. Nothing but the most abominable avarice (195). He cannot say that it was out of compassion for Androtion and his fellows: for their own conduct was such as to excite indignation rather than pity, and he is not so remarkably kind and gentle after all (196), as is proved by the acts of oppression of which he was guilty as the colleague and accomplice of Androtion during their year of office (197). He should rather have had pity upon you, from whom he and Androtion have exacted double payments while themselves not contributing anything to the property tax (198). He and Androtion entered their accounts alone, not with their colleagues, so confident were they

of impunity. And he has no interest forsooth, no personal object to serve, when he incurs your hatred and introduces laws contrary to all the rest, nay even to a former law of his own (199).

§ 194. φενακισμοῦ καὶ παρακρούσεως] Comp. below § 209, Aristocr. p. 656 § 107 ἐφενακίσθητε καὶ παρεκρούσθητε. The verbs are favourites with Demosth. (Androt. § 34 n.): the substantives are rare, but φενακισμός occurs de Pace p. 59 § 10, παράκρουσις Aristocr. p. 679 § 175.

περὶ τῶν παρεληλυθότων] This argument is now getting rather threadbare: we have had it already §§ 42—44, 56—58, 72—76. For the phraseology cf. § 73 περὶ δ' ὧν δικαστήριον ἔγνωκε καὶ τέλος ἐσχηκε.

πόθεν; οὐδ' ὀλίγου δεῖ τοῦτον ἔθηκας τὸν νόμον·  
οὐδεμίαν γὰρ ἂν εἰπεῖν ἔχοις ἄλλην πρόφασιν, δι' ἣν  
τοιοῦτον ἐπήρθης εἰσενεγκεῖν νόμον, ἢ τὴν σαυτοῦ  
θεοῖς ἐχθρὰν αἰσχροκέρδειαν· οὔτε γὰρ συγγενὴς  
οὔτ' οἰκείος οὔτ' ἀναγκαῖος ἦν σοι τούτων οὐδεὶς,  
196 οὐτ' ἱ ἐκεῖν' ἂν ἔχοις εἰπεῖν, ὥς ἐλεήσας δεινὰ πά-  
σχοντας ἀνθρώπους εἴλου διὰ ταῦτα βοηθεῖν αὐτοῖς.

<sup>i</sup> οὐδ' *vulgo* Z Dind.

§ 195. πόθεν;] interjected as in § 157.

οὐδ' ὀλίγου δεῖ] Here and in two other passages, pro Megalop. p. 206 § 16 and F. L. p. 399 § 181=204, the meaning 'far from it' is expressed by this phrase instead of the much more common οὐδὲ πολλοῦ δεῖ (de reb. in Chers. p. 100 § 42, de F. L. p. 350 § 30=33 and elsewhere). The old commentators (as Jerome Wolf) explained the former class of passages by οὐδ' ὀλίγου δεῖ, ἀλλὰ πολλοῦ: and were perplexed by the οὐδὲ before πολλοῦ in the latter. It will be found that in all these passages a negative has preceded: the distinction is that in οὐδὲ πολλοῦ δεῖ the οὐδὲ does not negative what follows, but merely repeats the previous negation: whereas in οὐδ' ὀλίγου δεῖ the οὐδὲ does really negative ὀλίγου. I cannot think with Shilleto (on F. L. § 204) that the presence or absence of γε would render the meaning doubtful: as he observes, 'οὐ δὲ (i.e. οὐ καὶ) ὀλίγου γε δεῖ is precisely equivalent to πολλοῦ γε καὶ δεῖ.' It is curious that the use of πολλοστὸς and ὀλιγοστὸς has occasioned a similar difficulty: see the next section.

ἐπήρθης] 'you were led on,

induced, encouraged' to bring in this law: 'veranlasst' Benseler. In K.'s rendering, 'pretext for introducing such a bill,' this word is not expressed.

θεοῖς ἐχθρὰν αἰσχροκέρδειαν] It is from this passage that *θεοισ-εχθρίαν* Androt. § 59 (where see the note) has been altered in most MSS. There are no various readings here, except that Σ writes, as elsewhere, αἰσχροκερδίαν: and this form, though contrary to analogy, has been accepted by Dindorf (Praef. ed. 3 p. xxviii). Cobet *Misc. Crit.* p. 25 wishes to read *θεοισεχθρίαν* here in conformity with || Androt.: but there can be no necessity for this.

οὔτε γὰρ συγγενὴς οὔτ' οἰκείος οὔτ' ἀναγκαῖος] 'either a relative or a connexion or an intimate friend' K. 'Ein Verwandter oder Bekannter von dir oder stand dir irgendwie nahe' Benseler. Compare above συγγενῶν καὶ οἰκείων § 67 n.

§ 196. τὰ τούτων] sc. χρήματα, apparently the money of the jury as representing the state. This is Reiske's explanation, approved by Dindorf: cf. in the next section *τοῦτων*. Benseler's version takes no notice of *τούτων*. In Nicostr. p. 1254 §§ 26, 27 we have ἀμφισβητοῦν-



οὔτε γὰρ τὰ τούτων πολλοστῶ χρόνῳ μόλις ἄκοντας,  
 ἐν τρισὶν ἐξελεγχθέντας δικαστηρίοις, κατατιθέναι,  
 τοῦθ' ἡγήσω [τὸ] δεινὰ πάσχειν εἶναι· ποιεῖν γάρ ἐστι  
 τοῦτό γε δεινὰ, καὶ παροξύνειε μᾶλλον ἢν τινα μισεῖν  
 ἢ προτρέψειεν ἐλεεῖν· οὔτ' ἄλλως πρᾶος καὶ φιλάν-  
 θρωπος σύ τις τῶν ἄλλων διαφόρως ὢν ἐλεεῖς<sup>k</sup> αὐ-

<sup>k</sup> ἡλέεις Bl.

τος τῶν ὑμετέρων of a claim not yet proved on behalf of the state: cf. above § 175 n.

πολλοστῶ χρόνῳ] πολλοστὸς has two meanings which at first sight appear contradictory. (1) One out of many, and so small in proportion to the whole; as a fraction with a large denominator is a small fraction. This is the usual sense, found generally but not always with μέρος or μόριον: as in III. Phil. p. 117 § 25 ἐλάττωτά ἐστιν... ἄλλ' οὐδὲ πολλοστὸν μέρος τούτων ἐκείνα. c. Macart. p. 1052 § 9 ἄλλ' οὐδ' ἀπολογήσασθαι μοι ἐξεγένετο οὐδὲ πολλοστὸν μέρος ὧν κατεψεύδοντο ἡμῶν: 'the smallest part.' (2) As applied to time, only in πολλοστῶ χρόνῳ 'after a long time,' 'so long after it was due' K. The phrase occurs also c. Eubul. p. 1304 § 18 πρὸς τοὺς οἰκείους ἐσώθη δεῦρο πολλοστῶ χρόνῳ: and Aristoph. Pac. 559. Reiske was struck with the difficulty of reconciling the two meanings: 'hic non minuit, sed auget.' On this G. H. Schaefer remarks that it always implies number, 'ut semper sit αὐξητικόν, nunquam μειωτικόν:' and here it means 'at one moment out of many,' implying many moments or, in other words, a long time. This usage was probably poetical in its origin: besides the line of Aristophanes, it will be

observed that the passage just quoted from the Eubulides reads as a fragment of an iambic verse. It is found only in the dative case: a writer would naturally say πολλὸν χρόνον, not πολλοστὸν, of the duration of a long time, but πολλοστῶ when a particular moment of that long time was intended. It seems however that Soph. Antig. 625 πράσσει δ' ὀλιγοστὸν χρόνον ἐκτὸς ἄτας is a bold extension of this poetic usage from the point of time to its duration. The more we realise Sophocles' love of artificial expression, the less, I think, shall we be inclined to desert the MSS. in favour of the commonplace ὀλιγιστον.

μόλις ἄκοντας] These words add to the rhetorical δεινότης of the passage: they paid the money (1) at the latest possible moment, (2) after making many difficulties, and (3) with the worst possible grace.

ἐν τρισὶν ἐξελεγχθέντας δικαστηρίοις] The προβούλευμα of the senate, the ψήφισμα of the people, and the verdict of the dicastery, are each reckoned as a judicial decree affirming the liability of Androtion and his fellows. So A. Schaefer i. 332 n., followed by Benseler and Whiston.

ποιεῖν γάρ ἐστι τοῦτό γε δεινὰ] ποιεῖν is emphatically opposed

197 τοὺς· οὐ γὰρ ἐστὶ τῆς αὐτῆς ψυχῆς Ἀνδροτίωνα μὲν  
καὶ Μελάνωπον καὶ Γλαυκέτην<sup>1</sup> ἐλεεῖν, ἃ κλέψαντες  
εἶχον εἰ καταθήσουσι, τουτωνὶ δὲ τοσούτων ὄντων καὶ  
τῶν ἄλλων πολιτῶν, ὧν ἐπὶ τὰς οἰκίας ἐβάδιζες σὺ 762  
τοὺς ἑνδεκα καὶ τοὺς ἀποδέκτας ἔχων καὶ τοὺς ὑπη-  
ρέτας, μηδένα πώποτ' ἐλεῆσαι, ἀλλὰ θύρας ἀφαιρεῖν  
καὶ στρώμαθ' ὑποσπᾶν καὶ διάκονον, ἧ τις<sup>m</sup> ἐχρήτο,  
ταύτην ἐνεχυράζειν' ἃ σὺ πάντ' ἐποίεις ἐνιαυτὸν  
198 ὅλον μετ' Ἀνδροτίωνος. πολλῶ γὰρ δήπου σχετλι-

<sup>1</sup> Γλαυκέτην καὶ Μελάνωπον Bekk. *cum libris praeter* ΣFv.

<sup>m</sup> ἧ τις Bens. *cum* ΣAFrs. εἰ τις cett. Blass.

to *πάσχειν*: 'it was cruel *conduct* you mean, not cruel *treatment*.'

§ 197. ἃ κλέψαντες εἶχον εἰ καταθήσουσι] 'for having to refund what they had embezzled and were still keeping.' After ἐλεεῖν, as after *θανυμάζειν*, εἰ implies no 'if' but points to a fact: cf. § 32 n.

ἀποδέκτας] § 162 n.

θύρας...ὑποσπᾶν] 'to have torn off their doors and dragged the bed-clothes from under them.' Cf. Androt. § 56 and the phrase *σκεύη φέρειν* § 57. It seems from the mention of doors that not only furniture but fixtures might be seized under a distraint at Athens. In Lysias de Bon. Aristoph. § 31 the wrenching of doors seems to have been the work of 'wreckers' who also plundered the house: in this instance it is clearly done by authority.

διάκονον....ἐνεχυράζειν] For the acc. with *ἐνεχυράζειν* see note on Androt. l. c. Slaves were among the first 'cattle' or 'chattels' distrainted upon: the argument in Or. 53 πρὸς Νικόστρατον περὶ ἀνδραπόδων ἀπο-

γραφῆς Ἀρεθουσίου turns upon a schedule or inventory (*ἀπογραφῇ*) in which two slaves are stated to be the property of Arethusius, and therefore liable to confiscation as a partial payment of his debt to the public treasury, while Nicostratus the brother of Arethusius has collusively claimed them as his own, a case of 'concealment of effects in bankruptcy.' There can be no doubt that ἐχρήτο is rightly explained as 'used with a double meaning, or at any rate euphemistically for a plainer term = *πλησιάζειν*' (R. W.). I do not think, however, that the Scholiast is right in referring under this head to the case of Sinope and Phanostrata in Androt. l. c.: they appear to have been free women whose goods, not persons, had been seized (*ἀνθρώπους πόρναις, οὐ μέντοι ὀφειλούσας εἰσφοράς*). The MS. authority is decisive in favour of ἧ τις ἐχρήτο, which yields exactly the same sense as εἰ τις.

ἐνιαυτὸν ὅλον] The year in which they held the office of *ἐκλογεῖς*, § 160 and || Androt.

ώτερ' ἐπάσχεθ' ὑμεῖς, καὶ πολὺ μᾶλλον ἂν εἰκότως ἡλέεις τούτους, οἱ δι' ὑμᾶς, ὧ κατάρατε, τοὺς λέγοντας οὐδ' ὅτιοι ἐισφέρουντες παύονται. καὶ οὐκ ἀποχρη τοῦτ', ἀλλὰ καὶ διπλᾷ πράττονται, καὶ ταῦθ' ὑπὸ σοῦ καὶ Ἀνδροτίωνος, οἱ μίαν εἰσφορὰν<sup>n</sup> οὐδε-  
 199 πώποτ' εἰσενηνόχατε. τηλικούτο τοίνυν ἐφρόνησεν οὗτος ὡς ἄρ' οὐδὲ δίκην τούτων οὐδεμίαν δώσων, ὥστε μόνος δέκα τῶν συναρχόντων ὄντων κοινῇ τὸν λόγον ἐγγράψαι μετ' Ἀνδροτίωνος ἐτόλμησε· προῖκα γάρ, οὐδὲν ὠφελοῦμενος, ὑμῖν Τιμοκράτης ἀπεχθάνεται καὶ νόμους εἰσφέρει πᾶσιν ἐναντίους, τὸ τελευταῖον δὲ καὶ αὐτοῦ νόμῳ προτέρῳ, ὃ μὰ τὴν Ἀθηναίων οὐδ' ὑμᾶς οἶμαι λανθάνειν.

<sup>n</sup> μίαν εἰσφορὰν, μίαν Z Bens. cum Σ.

§ 198. ὑμεῖς...ἡλέεις τούτους...ὑμᾶς...τοὺς λέγοντας] Through these rapid changes of pronoun the meaning is plain: 'you, the Athenian people, were much worse treated:' 'you, Timocrates, had much more reason to pity your countrymen, who through *you orators* have no respite from payment of property-tax.'

διπλᾷ πράττονται] 'they are made to pay double.' 'To exact' is either πράττειν or πράττεσθαι indiscriminately: and the verb, which in the active voice takes a double accusative (πράττειν τινὰ τί) is regularly joined to a single accusative when used passively. The same statement occurs above § 185 and || Androt., διπλᾶς πράττοντες τὰς εἰσφοράς.

§ 199. τηλικούτο...ἐφρόνησεν] 'such was his self-confidence,' 'Selbstvertrauen,' Benseler. τηλικούτο φρονεῖν is precisely = οὕτω μέγα φρονεῖν.

τὸν λόγον ἐγγράψαι] 'to enter his account' of the monies he had collected in the public books of the Logistae. So Aeschin. Ctes. § 20 ἐγγράφειν πρὸς τοὺς λογιστὰς ὁ νόμος κελεύει λόγον. More commonly ἐγγράφειν is simply 'to register' a debt or fine, c. Nicostr. p. 1251 § 14 ἐγγράφει τῷ δημοσίῳ (in the treasury), where examples are collected in Sandys' note. Timocrates was not afraid to make common cause with Androtion, when their colleagues (as is implied) had kept aloof from their exactions.

προῖκα γάρ, οὐδὲν ὠφελοῦμενος] And yet you are asked to believe that he incurs your hatred gratuitously, for no personal gain.

αὐτοῦ νόμῳ προτέρῳ] Above, §§ 62, 63.

§§ 200–203. *He has taken up the trade of a hireling, and makes no good use of the money: what he has gained basely he*

- 200 Ὁ τοίνυν ἔμοιγε δοκεῖ μάλιστα ὀργῆς ἄξιον εἶναι, φράσω καὶ οὐκ ἀποτρέψομαι, ὅτι ταῦτ', ὧ ἄνδρες Ἀθηναῖοι, πρᾶττων ἐπ' ἀργυρίῳ, καὶ προηρημένος ὡς ἀληθῶς μισθαριεῖν, οὐκ εἰς ἃ καὶ συγγνώμην ἀκούσας ἂν τις ἔσχε, ταῦτ' ἀναλίσκει. ταῦτα δ' ἐστὶ τί; ὁ πατήρ, ὧ ἄνδρες δικασταί, ὁ τούτου τῷ δημοσίῳ ὀφείλει· καὶ οὐκ ὀνειδίζων ἐκείνῳ λέγω, ἀλλ'
- 201 ἀναγκαζόμενος· καὶ οὗτος ὁ χρηστὸς περιορᾷ. καίτοι ὅστις μέλλων κληρονομήσειν τῆς ἀτιμίας, ἂν ἐκείνός τι πάθῃ, μὴ οἶεται δεῖν ἐκτεῖσαι, ἀλλὰ κερδαίνειν, ὃν

*spends selfishly. He suffers his own father to languish under Atimia, which he will one day inherit himself, rather than pay a small sum to restore him to his civic rights (201): he is the betrayer of his sister's honour (202). If you do not put him to death, you will be thought to like his pettifogging actions and the trouble he gives you, and to have no desire to be rid of scoundrels (203).*

§ 200. ἀποτρέψομαι] §§ 1 n., 104 n. Here Σ alone preserves the better reading.

προηρημένος] 'though he has made it his set purpose' (προαίρεσις). Generally with accus. προαιρέσθαι τι: for the infin. compare c. Dionysodor. p. 1297 § 48 πολλοὶ τῶν κατὰ θάλατταν ἐργάζεσθαι προαιρουμένων (whereas in § 1 he had said τὴν ἐργασίαν προηρημένους). Isocr. Phil. § 77 τοῦτοις ἐπιβουλεύων, ὑπὲρ ὧν ὁ πρόγονος αὐτοῦ προείλετο νουθετεῖν.

οὐκ εἰς ἃ...ταῦτ' ἀναλίσκει] There is no probability in Dobree's conjecture τοῦτ' ἀναλίσκει. The order is εἰς ταῦτα ἃ ἀκούσας τις συγγνώμην ἂν ἔσχε, and καὶ emphasizes συγγνώμην.

ὁ πατήρ] This favours the inference already drawn from Androt. § 66 compared with Timocr. § 173, that Timocrates was much younger than Androction.

οὐκ ὀνειδίζων ἐκείνῳ λέγω] It was usual to apologise when alluding to the 'misfortunes' of those who had been convicted, other than the immediate objects of attack. So in Mid. p. 533 § 58 οὐ γὰρ ὀνειδίσαι μὰ τοὺς θεοὺς οὐδενὶ δυσχερὲς οὐδὲν βουλόμενος τοῦτο ποιήσω, when he is about to mention the Atimia of Sannio (κέχρηται συμφορᾷ): cf. Androt. §§ 55 n., 62, above § 132.

καὶ οὗτος ὁ χρηστὸς περιορᾷ] 'and yet this worthy person allows him to remain so.' χρηστὸς ironical, § 160.

§ 201. κληρονομήσειν τῆς ἀτιμίας] Androt. § 34 n.

ἂν ἐκείνός τι πάθῃ] 'should anything happen to his father:' a euphemism as in Latin and English.

μὴ οἶεται] The relative ὅστις here = *ei*, and is therefore followed by μὴ, not οὐ.

κερδαίνειν...τοῦτο τὸ κέρδος] 'to enjoy what it would cost

ἐκεῖνος ζῇ χρόνον, ἀξιοῖ τοῦτο τὸ κέρδος, τίνος ἂν ὑμῖν  
 ἀποσχέσθαι δοκεῖ; καὶ τὸν μὲν πατέρ' οὐτ' ἐλεεῖς 763  
 οὔτε δεινὰ σοι δοκεῖ πάσχειν, εἰ σοῦ λαμβάνοντος  
 καὶ χρηματιζομένου ἀπὸ τῶν εἰσφορῶν ὧν εἰσέ-  
 πραττες, ἀπὸ τῶν<sup>ο</sup> ψηφισμάτων ὧν γράφεις, ἀφ' ὧν  
 εἰσφέρεις νόμων, διὰ μικρὸν ἀργύριον μὴ μετέχει τῆς  
 202 πόλεως, ἐτέρους δ' ἐλεῆσαί τινας φῆς; ἀλλὰ νῆ Δία  
 τὴν ἀδελφὴν καλῶς διώκῃκεν. ἀλλ' εἰ καὶ μηδὲν  
 ἄλλο ἡδίκηκε, κατὰ τοῦτ' ἀξιός ἐστ' ἀπολωλέναι· πέ-  
 πρακε γὰρ αὐτήν, οὐκ ἐκδέδωκε. τῶν γὰρ ὑμετέρων  
 ἐχθρῶν ἐνί, Κερκυραίῳ τινὶ τῶν νῦν ἐχόντων τὴν  
 πόλιν, καταλύοντι παρ' αὐτῷ ὅτε δεῦρο πρεσβεῖνοι,  
 καὶ βουλευθέντι λαβεῖν αὐτήν (ἐξ οὗ δὲ τρόπου, πα-  
 ραλείψω) λαβὼν ἀργύριον δέδωκε· καὶ νῦν ἐστὶν ἐν

<sup>ο</sup> τῶν om. Bens. cum Σν.

him' (to pay his father's debt).

λαμβάνοντος καὶ χρηματιζομέ-  
 νου] 'while you help yourself  
 and make money:' the usual  
 sense of χρηματίζεσθαι middle.  
 Pro Phorm. p. 593 § 30 ἀπὸ τοῦ  
 χρηματίζεσθαι καὶ ἐτέρων πλεῖω  
 κτήσασθαι. So χρηματιστὴς a  
 money-maker, economist, Boeot.  
 de Nom. p. 1002 § 25 τίς ἦν χρη-  
 ματιστὴς ὁ πατήρ (where τίς=  
 ποῖός τις). For χρηματίζειν ac-  
 tive, §§ 21 n., 45, 55.

διὰ μικρὸν ἀργύριον] 'for,' i.e.  
 'for want of.' Schaefer com-  
 pares Aristoph. Plut. 147 ἐγωγέ  
 τοι διὰ μικρὸν ἀργυρίδιον | δοῦλος  
 γεγέννημαι διὰ τὸ μὴ πλουτεῖν  
 ἴσως: where Dobree had referred  
 to the present passage.

§ 202. ἀλλὰ νῆ Δία...καλῶς  
 διώκῃκεν] Both phrases occur  
 Androt. § 69 and above § 176.  
 For διώκῃκεν with acc. of per-  
 son, 'has managed her affairs

nicely,' Dindorf compares Isae-  
 us Or. 7 (Apollodor.) § 6 αὐτὸν  
 δ' ἐκεῖνον οὕτω διώκῃκεν ἐπιτρο-  
 πεύων ὥστε τριῶν αὐτῷ ταλάντων  
 δίκην ὀφλεῖν.

εἰ καὶ μηδὲν ἄλλο ἡδίκηκε] 'even  
 if he were guilty of nothing else:'  
 the imperf. expresses the abid-  
 ing guilt. 'If he had committed  
 no other crime' would be ἡδίκη-  
 σεν.

ὑμετέρων ἐχθρῶν ἐνί] Since  
 the year 361 the oligarchs had  
 had the upper hand at Corcyra,  
 and the island had quitted the  
 Athenian alliance. They were  
 not at war (πολέμοι), but poli-  
 tically hostile (ἐχθροί).

καταλύοντι...πρεσβεῖνοι] 'who  
 used to lodge at his house when-  
 ever he came here as ambassa-  
 dor.' The optative 'of indefi-  
 nite frequency' shows that the  
 man came more than once: and  
 καταλύοντι is therefore an im-  
 perf. participle.



203 Κερκύρα. ὃς οὖν τὴν μὲν ἀδελφὴν ἐπ' ἐξαγωγῇ φη-  
σιν<sup>ρ</sup> μὲν ἐκδοῦναι, πέπρακε δὲ τῷ ἔργῳ, τὸν δὲ αὐτοῦ  
πατέρα οὕτω γηροτροφεῖ, κολακεύει δὲ καὶ μισθοῦ  
γράφει καὶ πολιτεύεται, τοῦτον ὑμεῖς λαβόντες οὐκ  
ἀποκτενεῖτε; δόξετ' ἄρ', ὦ ἄνδρες Ἀθηναῖοι, κρί-  
σεις βούλεσθαι καὶ πράγματ' ἔχειν, ἀλλ' οὐκ ἀπηλ-  
λάχθαι τῶν πονηρῶν.

204 Καὶ μὴν ὅτι μὲν προσήκει πάντας κολάζειν τοὺς  
ἀδικοῦντας, εὖ οἶδ' ὅτι πάντες ἄν, εἴ τις ἔροιτο, φή-  
σαιτε· ὅσῳ δὲ μάλιστα τοῦτον, ὃς νόμον εἰσενήνοχ'  
ἐπὶ βλάβῃ τοῦ πλήθους, ἐγὼ πειράσομαι διδάξαι.  
τῶν μὲν γὰρ κλεπτῶν καὶ λωποδυτῶν καὶ τὰ τοιαῦτα

<sup>ρ</sup> φήσει Z Bekk. Bens. cum Σ.

§ 203. ἐπ' ἐξαγωγῇ...ἐκδοῦ-  
ναι] The giving in marriage of  
an Athenian woman to a fo-  
reigner was itself illegal, as K.  
points out, referring to *Dict.*  
*Antiq.* s. v. 'Exagoges Diké.'  
For the corresponding law a-  
gainst the marriage of a citizen  
with a foreign woman, Androt.  
§ 3 n. Aristogiton is likewise  
accused of selling his sister  
(perhaps an illegitimate half-  
sister): θυγατέρα δ' ἐκέλευς ὁπως-  
δήποτε γενομένην (ἐῷ γὰρ τοῦτο),  
ἀλλ' ἀδελφὴν γε, ἐπ' ἐξαγωγῇ  
ἀπέδοτο 1. Aristog. p. 787 § 55.

κολακεύει... πολιτεύεται] μι-  
σθοῦ belongs to πολιτεύεται as  
well as to γράφει: 'is a hanger-  
on (is the *âme damnée* of such  
people as Androtion, does their  
dirty work) and a hireling de-  
cree-drawer and politician.'

ἀπηλλάχθαι] The full mean-  
ing of the perf. infin. is 'to be  
at once and for ever quit:' § 60  
n. So ἀφείσθαι in § 207.

§§ 204—209. The man who  
passes a bad law is worse than a

thief or common criminal. The  
thief injures only his victims,  
and disgraces only himself: but  
the author of a law which gives  
impunity to crime both injures  
and disgraces the whole people  
(205). The first step in a revo-  
lution is usually the opening of  
prisons (206). I am not afraid  
of the defendant's overthrowing  
your government: but remember,  
he has taken this revolutionary  
step (207). What would your  
feelings be, if you heard a yell  
at this moment which announced  
that the scum of your gaols had  
broken loose, and if Timocrates  
were the author of the mischief?  
Surely he would be hurried to  
execution without even a hear-  
ing (208). Well, his law not  
merely opens the prisons, but as  
good as pulls them down, and  
the courts of justice with them:  
for it renders both useless (209).

§ 204. λωποδυτῶν] See on  
§ 114 ἱμάσιον ἢ ληκύθιον...ἐκ τῶν  
γυμνασίων ὑφέλοιοτο.

κακουργούντων ἕκαστος πρῶτον μὲν ὡς ἀληθῶς τὸν ἐντυχόντ' ἀδικεῖ, καὶ οὐκ ἂν οἷός τ' εἴη πάντας ἐκδύειν οὐδὲ τὰ πάντων ὑφελέσθαι, εἴτα καταισχύνει  
 205 τὴν αὐτοῦ δόξαν καὶ τὸν βίον μόνον. εἰ δέ τις εἰσφέρει νόμον ἐξ οὗ τοῖς ὑμᾶς βουλομένοις ἀδικεῖν ἢ πᾶσ' ἐξουσία καὶ ἄδεια γενήσεται, οὗτος ὅλην 764 ἀδικεῖ τὴν πόλιν καὶ καταισχύνει πάντας· νόμος γὰρ αἰσχυρὸς ὅταν κύριος ᾖ, τῆς πόλεως ὀνειδὸς ἐστὶ τῆς θεμένης, καὶ βλάπτει πάντας ὅσοι περ ἂν αὐτῷ χρώνται. τὸν οὖν καὶ βλάπτειν ὑμᾶς καὶ δόξης ἀναπιμπλάναι φαύλης ἐπιχειροῦντα, τοῦτον οὐ τιμω-  
 206 ρήσεσθε λαβόντες; καὶ τί φήσετε; γνοίη δ' ἂν τις οὕτω μάλισθ' ἡλίκα πράγματα συσκευάσας γέγραφεν αὐτόν, καὶ ταῦθ' ὡς ὑπεναντία τῇ καθεστῶσῃ πολιτείᾳ, εἰ λογίσαιτο ὅτι πάντες, ὅταν που κατα-

πρῶτον μὲν...ἀδικεῖ] 'in the first place he really injures only the man who falls in his way,' τὸν ἐντυχόντα opp. to πάντας. 'Ο ἐντυχὼν is 'the first comer.' Isae. Or. 3 (Pyrrhus) § 61, Or. 9 (Astyph.) § 12.

ἐκδύειν] A word appropriate enough to λωποδύται: but here perhaps opp. to ὑφελέσθαι of stripping with violence, as in Canon p. 1259 § 8 ἐμοὶ περιπεσόντες τὸ μὲν πρῶτον ἐξέδυσαν.

§ 205. ἡ πᾶσα ἐξουσία καὶ ἄδεια] 'complete license and impunity.' ἐξουσία is rare of unlawful authority; but compare Aeschin. Timarch. § 108 τοῦτον αὐτὸν λαβόντα ἄδειαν καὶ ἐξουσίαν καὶ ἀρχὴν τίς ἂν ἐλπίζειν ἀπολελοιπέναι τι τῶν ἀσελγεστάτων ἔργων; For ἄδεια in this sense, Androt. § 25, above § 102. —κύριος ᾖ 'is in force.'

αὐτῷ χρώνται] 'live under it.' §§ 139, 140 and elsewhere.

δόξης ἀναπιμπλάναι φαύλης]

'cover you with infamy.' Cf. Lept. p. 466 § 28 τῆς δέ γ' αἰσχύνῃς ὅλην ἀναπιμπλησὶ τὴν πόλιν, quoted by R. W.

§ 206. ἡλίκα πράγματα συσκευάσας] 'with what deep designs he framed this law.' συσκευάζειν is properly 'to pack up,' Lat. *convasare*; the literal sense occurs Plat. Theaet. 175 ε στρωματοδέσμον μὴ ἐπιστάμενος συσκευάσασθαι. In the Orators the use of the verb is metaphorical, and found in all three voices: active here and Fals. Leg. p. 358 § 54=61 ἅπαντα ταῦτα εἰς ἐν ψήφισμα κατεσκευάσαν: passive, ib. p. 365 § 76=86 ἡ πᾶσα ἀπάτη καὶ τέχνη συνεσκευάσθη τοῦ περὶ Φωκίας ὀλέθρου: middle, ib. p. 438 § 303=346 ὁ συσκευάζεσθαι τῇ 'Ελλάδι καὶ Ἡελοπόννησον Φίλιππον βοῶν, 'forming them into a combination against you,' and Plato l.c.

ὅταν που] 'wherever.' G. H.

λύνοντες τὸν δῆμον πράγμασιν ἐγχειρῶσι νεωτέροις, τοῦτο ποιοῦσι πρῶτον ἁπάντων, ἔλυσαν τοὺς πρότερον νόμῳ δι' ἁμαρτίαν τινὰ ταύτην ὑπέχοντας τὴν  
 207 δίκην. πῶς οὖν οὐκ ἄξιος οὗτος, εἰ δυνατόν, τρίς, οὐχ ἅπαξ ἀπολωλέναι, ὃς εἰς ὧν καὶ οὐ δῆπου μέλλων καταλύσειν<sup>α</sup> ὑμᾶς, ἀλλὰ τούναντίον αὐτὸς ἐν ὑμῖν, ἂν τὰ δίκαια καὶ τὰ προσήκοντα ποιήτε, ἀπολεῖσθαι<sup>α</sup>, ὅμως ἐμιμήσατο τοῦτο τὰδίκημα, καὶ διὰ τοῦ νόμου λύνειν ἠξίωσεν οὓς δέδεκεν τὰ δικαστήρια, γράψας ἀναιδῶς, εἴ τιμ προστετίμῃται δεσμοῦ καὶν τὸ λοιπόν

<sup>α</sup> καταλύσειν...ἀπολεῖσθαι Bl. cum TQKrs. καταλύνειν...ἀπολέσθαι cett.

Schaefer observes that *πον*=*alibi*, i.e. in any democratic government; *ὅταν πον* will therefore=*sicubi*. But probably we should read, with Dahms, οἱ ἄν πον.

πράγμασιν ἐγχειρῶσι νεωτέροις] Exactly=*rebus novis studere*, 'to aim at a revolution:' in this sense νεώτερόν τι πράττειν is common, as well as νεωτερίζειν, but ἐγχειρεῖν does not seem to occur elsewhere.

ἔλυσαν] This aorist, following the presents ἐγχειρῶσι and ποιοῦσι, is rightly rendered as a present by K. Thus used it expresses what is *wont* to happen, Jelf, *Synt.* § 402. 1; Madvig, *Synt.* § 111 a. Benseler less correctly turns all the verbs into the past tense.

ταύτην ὑπέχοντας τὴν δίκην] 'those who are undergoing this punishment:' as in δοῦναι δίκην.

§ 207. μέλλων καταλύσειν...ἀπολεῖσθαι] The reading of the best secondary MSS. καταλύσειν and ἀπολεῖσθαι ought certainly to be followed here. Cobet, who sometimes repeats himself, notices this point twice over, *Nov. Lect.* p. 780 and *Misc.*

*Crit.* p. 558: adding that it ought to have been restored *in-vitis libris*. Without dogmatizing with Phrynichus and Cobet on this point, it may be remarked that in prose at least there is always a strong presumption in favour of the future after μέλλω. In verse a greater latitude was naturally allowed: yet Mr Rutherford's careful examination shows that the exceptions amount to no more than four per cent. of the whole in Comedy, and somewhat more in Tragedy (*New Phryn.* p. 420 ff.). Lobeck, who devotes an appendix to the constructions of μέλλω, argues in favour of admitting the pres. and aor. in prose as well (*Phryn.* p. 745 ff.).

καὶν...προστιμήσητε] We have here the strict grammatical construction instead of ἡ...προστιμήσῃ as in §§ 39, 72, 79, 93. An explanation of the apparent solecism has been suggested in the note on § 39: Cobet wishes to alter all the rest into conformity with the present passage, reading everywhere καὶν (*Misc. Crit.* p. 549).

208 τινι προστιμήσητε, τοῦτον ἀφείσθαι. καὶ μὴν εἴ<sup>†</sup>  
 αὐτίκα δὴ μάλα κραυγὴν ἀκούσαίτε πρὸς τῷ δικα-  
 στηρίῳ, εἴτ' εἴποι τις ὡς ἀνέγκται τὸ δεσμωτήριον, οἱ  
 δὲ δεσμῶται φεύγουσιν, οὐδεὶς οὔτε γέρων οὔτ' ὀλί-  
 γωρος οὔτως<sup>ε</sup> ὅστις οὐχὶ βοηθήσειεν ἂν καθ' ὅσον  
 δύναται. εἰ δὲ δὴ τις εἴποι παρελθὼν ὡς ὁ τούτους  
 ἀφεί<sup>†</sup>ς ἐστὶν οὗτοςί, οὐδὲ λόγου τυχὼν εὐθὺς ἂν<sup>ν</sup>  
 209 ἀπαχθεὶς θανάτῳ ζημιωθείη. νῦν τοίνυν ἔχετ', ὦ  
 ἄνδρες Ἀθηναῖοι, τοῦτον, ὃς οὐχὶ λάθρα πεποίηκε  
 τοῦτο, ἀλλὰ φενακίσας καὶ παρακρουσάμενος<sup>χ</sup>  
 νόμον τέθεικε<sup>ν</sup> φανερώς, ὃς οὐκ ἀνοίγνυσι τὸ δεσμω- 765  
 τήριον, ἀλλὰ καθαιρεῖ, προσπεριείληφε δὲ καὶ τὰ  
 δικαστήρια. τίς γὰρ ἢ τούτων ἢ ἐκείνων χρεία, ὅταν  
 οἷς τετίμηται δεσμοῦ λύωνται, καὶ τὸ λοιπὸν τιμή-  
 σητέ τῳ, μηδὲν ὑμῖν ἢ πλέον ;

<sup>†</sup> εἴ τις *et* μοχ ἀκούσαι Bens. cum Fv.

<sup>ε</sup> *add.* ἐστὶν Z Bekk. *om.* ΣΑΩκrs Bens.

<sup>ν</sup> ἀφεί<sup>†</sup>ς Z Bekk. *Illud* Σ *et* Longin.

<sup>ν</sup> ἂν εὐθὺς Bl.

<sup>χ</sup> *add.* ὑμᾶς *vulg.* Bekk. Bens. Dind.

<sup>ν</sup> ἔθηκε Z cum Σ.

§ 208. This appeal to the imagination of his hearers has been much admired by critics ancient and modern, beginning with the author of the treatise *περὶ ὕψους*, c. 15 § 9 (ed. Weiske). Kennedy has quoted his remarks; it may be as well to give the words of the original. Τί οὖν ἡ ῥητορικὴ φαντασία δύναται; Πολλὰ μὲν ἴσως καὶ ἄλλα τοῖς λό-  
 γοις ἐναγώνια καὶ ἐμπαθῇ προσ-  
 εισφέρει\* κατακιναμένη μέντοι  
 ταῖς πραγματικαῖς ἐπιχειρήσεσιν,  
 οὐ πείθει τὸν ἀκροατὴν μόνον, ἀλλὰ  
 καὶ δουλοῦται. The writer then  
 quotes the entire section, proba-  
 bly from memory as there are  
 a few verbal differences.

αὐτίκα δὴ μάλα] Androt. § 65  
 n.

ὀλίγωρος] 'indifferent.' The pseudo-Longinus gives these words as οὐδεὶς οὔτως, οὔτε γέρων οὔτε νέος, ὀλίγωρός ἐστιν: the condensed expression of the text is much more forcible.

§ 209. ἔχετε] 'you have him in your power.'

φενακίσας καὶ παρακρουσάμε-  
 νος] § 194 n.

προσπεριείληφε] §§ 44 n., 83.  
 —πλέον, § 130 n.

§§ 210, 211. You justly pride yourselves on the fact that many Greek states have adopted your laws: and in the laws sensible people look for the character of a state. You must take care not to lose by remissness the distinction you now enjoy. You honour the authors of good legislation, like Draco and Solon, even if

- 210 Δεῖ τοίνυν ὑμᾶς κακεῖνο σκοπεῖν, ὅτι πολλοὶ τῶν Ἑλλήνων πολλάκις εἰσὶν ἐψηφισμένοι τοῖς νόμοις χρῆσθαι τοῖς ὑμετέροις, ἐφ' ᾧ φιλοτιμεῖσθ' ὑμεῖς εἰκότως· ὁ γὰρ εἰπεῖν τινὰ φασιν ἐν ὑμῖν, ἀληθὲς εἶναί μοι δοκεῖ, ὅτι τοὺς νόμους ἅπαντες ὑπειλήφασιν, ὅσοι σωφρονουῖσι, τρόπους τῆς πόλεως. χρὴ τοίνυν σπουδάζειν ὅπως ὡς<sup>2</sup> βέλτιστοι δόξουσιν εἶναι, καὶ τοὺς λυμαιομένους καὶ διαστρέφοντας αὐτοὺς κολάζειν, ὡς εἰ καταρραθυμήσετε, τῆς φιλοτιμίας τε<sup>3</sup> ταύτης ἀποστερήσεσθε καὶ κατὰ τῆς πόλεως δόξαν
- 211 οὐ χρηστήν ποιήσετε. καὶ μὴν εἰ Σόλωνα καὶ Δράκουτα δικαίως ἐπαινεῖτε, οὐκ ἂν ἔχοντες εἰπεῖν οὐδετέρου κοινὸν εὐεργέτημ' οὐδὲν πλὴν ὅτι συμφέροντας ἔθηκαν καὶ καλῶς ἔχοντας νόμους, δίκαιον δῆπον καὶ τοῖς ὑπεναντίως τιθεῖσιν ἐκείνοις ὀργίλως ἔχοντας

<sup>2</sup> ὡς om. Bens. cum ΣFv.<sup>3</sup> om. Z Bekk. Bens. cum Σ.

there is no other public service that you can attribute to them: a reason for punishing this man, who legislates to abolish the penalty that he is conscious of having deserved.

§ 210. ἐν ὑμῖν] 'a saying in this court that I have heard of,' K.: but ὑμῖν may be simply, as it often is, the Athenian people (§ 211 n.).

τοὺς λυμαιομένους καὶ διαστρέφοντας] 'those who corrupt and impair them.'

καταρραθυμήσετε] Rightly given in L. and S. as an active verb, 'lose or miss from carelessness:' not simply 'be weak or careless' (βαθυμεῖν). Cf. i. Phil. p. 42 § 7 τὰ καταρραθυμμένα πάλιν λήψεσθε. Xen. Hell. vi. 2 § 39 μήτε καταρραθυμῶν οὐτε αὐταυτῶν φάειν τινα μὴδεν, 'spoiling nothing either by supineness or carelessness;' an

interesting passage on the military character of Iphicrates. This sense of κατὰ in compounds is discussed by Cobet, Nov. Lect. p. 574 f.

φιλοτιμίας] Androt. § 73 n.

§ 211. οὐκ ἂν ἔχοντες] 'Subaudi etiamsi velitis s. siquis vos interroget.' G. H. Schaefer. This would in Greek be εἰ βούλοισθε or εἰ τις ἔροιτο: the participle with ἂν if replaced by a finite verb would be οὐκ ἂν ἔχοιτε. Madvig, Synt. § 184.

ὑπεναντίως...ἐκείνοις] 'in the contrary spirit to theirs,' i.e. to Draco and Solon, not ἐκείνοις τοῖς νόμοις. The two ancient legislators are mentioned in order of dignity, not of time. The reading of Σ, τεθεῖσιν, is one of that copyist's ingenious blunders which ought to protect us from delusions concerning him: as if the Athenians were



καὶ κολάζοντας φαίνεσθαι. οἶδα δὲ Τιμοκράτην, ὅτι τὸν νόμον εἰσενήνοχε τοῦτον οὐχ ἥκισθ' ὑπὲρ αὐτοῦ· πολλὰ γὰρ ἡγείτο πολιτεύεσθαι παρ' ὑμῖν ἄξια δεσμοῦ.

- 212 Βούλομαι τοίνυν ὑμῖν κακέينو διηγῆσασθαι, ὃ φασὶ ποτ' εἰπεῖν Σόλωνα κατηγοροῦντα νόμον τινὸς οὐκ ἐπιτήδειον θέντος. λέγεται γὰρ τοῖς δικασταῖς αὐτὸν εἰπεῖν, ἐπειδὴ τᾶλλα κατηγορήσεν, ὅτι νόμος ἐστὶν ἀπάσαις ὡς ἔπος εἰπεῖν ταῖς πόλεσιν, ἐάν τις τὸ νόμισμα διαφθείρῃ, θάνατον τὴν ζημίαν εἶναι. ἐπερωτήσας δὲ εἰ δίκαιος αὐτοῖς καὶ καλῶς ἔχων ὁ

not merely to be angry with, but to punish the laws themselves and not the authors of them!

πολλὰ γὰρ...δεσμοῦ] 'for he thought that many of his political acts among you deserved imprisonment.' These speeches abound in expressions like παρ' ὑμῖν, ἐν ὑμῖν, appealing to the consciousness of a free people, by which the immediate hearers are reminded that they represent their countrymen as a body (above, §§ 11, 16, 25, 37, 89, 117). So at Rome. How much the grand epitaph of Scipio Barbatus gains in impressiveness by a similar touch: 'Consol Censor Aidilis qui fuit apud vos.' (Imitated in the inscription written by Baron Bunsen for Dr Arnold's monument at Rugby, 'Christum prae-dicavit apud vos.')

§§ 212-214. *Apropos of Solon, I will tell you of a saying attributed to him. He once asked a jury if they thought it right to punish a man with death for debasing the coin: when they assented, he argued that corrupting the law, the coinage of*

*the state, was a worse crime than debasing money invented for the private dealings of ordinary citizens (213). He added that many states had debased their coin and been none the worse for it, but no people who suffered their laws to be corrupted had long escaped national decay (214).*

§ 212. ἀπάσαις...ταῖς πόλεσιν] This was true until recently of modern civilised states: and sometimes with aggravations of the death penalty unknown to the sensitive Athenians. In England coining was not 'felony' but 'petty treason:' the difference this made was that men were drawn on a hurdle to the gallows, women were burnt at the stake. In France also, before the Revolution, it is stated that burning was the punishment of coiners.

ἐπερωτήσας] After λέγεται αὐτὸν εἰπεῖν we should expect ἐπερωτήσαντα, but the construction passes for a moment from the oblique to the direct, to return immediately to the former in ἐπειδὴ φῆσαι...εἰπεῖν.

- 213 νόμος φαίνεται, ἐπειδὴ φῆσαι τοὺς δικαστάς, εἰπεῖν 766  
 ὅτι αὐτὸς ἡγεῖται ἀργύριον μὲν νόμισμ' εἶναι τῶν  
 ἰδίων συναλλαγμάτων εἵνεκα τοῖς ἰδιώταις εὐρημένον,  
 τοὺς δὲ νόμους [ἡγοῖτο<sup>1</sup>] νόμισμα τῆς πόλεως εἶναι.  
 δεῖν δὴ τοὺς δικαστάς πολλῶ μᾶλλον, εἴ τις ὁ τῆς  
 πόλεως ἐστὶ νόμισμα, τοῦτο διαφθείρει καὶ παράση-  
 μον εἰσφέρει, μισεῖν καὶ κολάζειν, ἢ εἴ τις ἐκεῖν'  
 214 ὁ τῶν ἰδιωτῶν ἐστίν. προσθεῖναι δὲ τεκμήριον τοῦ  
 καὶ μεῖζον εἶναι τᾰδίκημα [τὸ τοὺς νόμους διαφθείρειν  
 ἢ τὸ ἀργυρίῳ μὲν πολλὰ τῶν πόλεων  
 καὶ φανερώς πρὸς χαλκὸν καὶ μόλυβδον κεκραμένῳ

<sup>b</sup> ἡγεῖται Bens. ἡγεῖτο Σkrsv. *Uncis incl.* Bl.

ἐπειδὴ φῆσαι] For ἐπεὶ, ἐπει-  
 δὴ with infin. in oratio obliqua,  
 Madvig, *Synt.* § 163: on rela-  
 tives in general with infin. ib.  
 § 169. The form of the Pla-  
 tonic dialogues, in which con-  
 versations are so often reported  
 by one of the interlocutors, na-  
 turally lends itself to long-con-  
 tinued oblique construction:  
 among these the Symposium  
 affords, perhaps, the most strik-  
 ing examples.

§ 213. συναλλαγμάτων] For  
 the distinction between συμβό-  
 λαιον συνάλλαγμα and συνθήκη  
 see Kennedy in *Dict. Antiq.*  
 s.v. 'Symbolacon:' cf. note on  
 συναλλάττειν § 192.

τοῖς ἰδιώταις εὐρημένον] Sup-  
 posing this anecdote to be genu-  
 ine, we have here an illustra-  
 tion of the low estimate of  
 commerce in Greek life. But  
 on this it may be observed that  
 in the great days of Athens the  
 commercial spirit became much  
 more developed: and that So-  
 lon, who had himself depreci-  
 ated the coinage in the interest  
 of debtors, was not a good judge

of the importance of 'hard mo-  
 ney.' We know, however, that  
 his remedial legislation did not  
 fail of its object. The *χρεῶν*  
*ἀποκοπαί* (§ 149 n.) were heard  
 of no more at Athens, the money  
 standard was never again de-  
 preciated, and the general feel-  
 ing was one of high respect for  
 the sanctity of contracts. Com-  
 pare Grote, ch. xi. (ii. 310, ed.  
 1862).

§ 214. φανερώς...κεκραμένῳ]  
 The Greeks did not, like many  
 French kings and some English,  
*secretly* alloy their silver coin  
 with base metal, and so render  
 it unavailable for foreign trade  
 while giving it a forced currency  
 at home. One hundred Solo-  
 nian drachmas contained no  
 more silver than 73 of the old:  
 but the change was effected by  
 reducing the size of the coin,  
 not the purity of the metal.  
 The Athenian money was ever  
 after the best in Greece, and  
 much in request throughout the  
 Hellenic world (Xen. de Vect.  
 3 § 2. The *ἱέροι*, a work of  
 Xenophon's old age, is not far

χρώμεναι σώζονται καὶ οὐδ' ὅτιοῦν παρὰ τοῦτο πά-  
σχουσι, νόμοις δὲ πονηροῖς χρώμενοι καὶ διαφθεί-  
ρεσθαι τοὺς ὄντας ἐὼντες οὐδένες πώποτ' ἐσώθησαν.  
ταύτῃ μέντοι τῇ κατηγορίᾳ Τιμοκράτης ἔνοχος καθέ-  
στηκε νυνί, καὶ δικαίως ἂν ὑφ' ἑμῶν τοῦ προσήκοντος  
τύχοι τιμῆματος.

- 215 Χρὴ μὲν οὖν πᾶσιν ὀργίλως ἔχειν, ὅσοι τιθέασι  
νόμους αἰσχροὺς καὶ πονηροὺς, μάλιστα δὲ τούτοις οἱ  
τοὺς τοιούτους τῶν νόμων διαφθείρουσι, δι' ὧν ἔστιν  
ἢ μικρὰν ἢ μεγάλην εἶναι τὴν πόλιν. εἰσὶ δ' οὗτοι  
τίνες; οἳ τε τοὺς ἀδικοῦντας τιμωροῦμενοι καὶ ὅσοι  
216 τοῖς ἐπιεικέσι τιμὰς τινὰς<sup>c</sup> διδῶσιν. εἰ γὰρ ἅπαντες

<sup>c</sup> τινὰς om. Z Bekk. cum libris praeter Fv. v. not.

removed in date from the An-  
drotionea of Demosthenes. We  
are apt to forget the overlapping  
of these two distinguished ca-  
reers).

χρώμεναι σώζονται] K. trans-  
lates 'by openly using...saved  
themselves from ruin.' I do  
not think the bad money and  
the escape from ruin stand to  
one another in the relation of  
cause and effect; and prefer to  
render, 'though they use...get  
safe out of it:' σώζεσθαι is opp.  
to ἀπόλλυσθαι, and so nearly  
= οὐδ' ὅτιοῦν πάσχοις.

οὐδένες πώποτ' ἐσώθησαν] 'no  
state had escaped decline.' The  
plural οὐδένες appears to be al-  
ways used, in prose, of aggre-  
gates or bodies of men, never  
of a plurality of individuals.  
See a good note of Shilleto's on  
Fals. Leg. p. 362 § 66=74 τοι-  
αῦτα πεπονθότας οἷα οὐδένες ἄλλοι  
τῶν Ἑλλήνων (which he trans-  
lates 'no other nation'). ib.  
p. 350 § 31=35 οὐδένας πρέσβεις  
I. Aphob. p. 815 § 7 τῶν πώποτ'  
ἐπιτροπενσάντων οὐδένες ('no sets

of ambassadors, guardians').  
A somewhat doubtful instance  
to the contrary is in Hyperid.  
Epitaph. col. 13, 22 οὐδένας οὐ-  
τως οἰκείους οὐδὲ πιστοτέρους ὑμῖν  
of Harmodius and Aristogiton.  
In poetry the meaning is less  
restricted: Eur. Androm. 700  
ὄντες οὐδένες = 'being nobodies.'

§§ 215-217. All authors of  
bad legislation ought to be pun-  
ished, and that in proportion to  
the importance of the laws they  
corrupt. The most important  
laws are those which punish  
wrong-doers and confer certain  
distinctions on the well-conduct-  
ed. If all Athenians 'lived up  
to' our existing laws, what would  
not Athens be, with her vast ma-  
terial resources (216)? If on the  
other hand we suffered the laws  
to become as bad as Timocrates  
would make them, twice those re-  
sources would be useless for any  
great purpose.

§ 215. δι' ὧν ἔστιν] 'upon  
which it depends whether' &c.

τοῖς ἐπιεικέσι...διδῶσιν] The  
reading of Σ τιμὰς τινὰς is right-

προθυμηθεῖεν ποιεῖν ἀγαθόν τι τὸ κοινόν, τὰς τιμὰς καὶ τὰς δωρεὰς τὰς ὑπὲρ τούτων ζηλώσαντες, καὶ πάντες ἀποσταῖεν τοῦ κακουργεῖν [ἢ κακόν τι πράττειν]<sup>d</sup>. τὰς βλάβας καὶ τὰς ζημίας τὰς ἐπὶ τούτοις κείμενας φοβηθέντες, ἔσθ' ὃ τι κωλύει τὴν πόλιν μερίστην εἶναι; οὐ τριήρεις ὅσας οὐδεμί' ἄλλη πόλις Ἑλληνὶς κέκτηται; οὐχ ὀπλίτας; οὐχ ἱππέας; οὐ προσόδους; οὐ τόπον<sup>e</sup>, οὐ λιμένας; ταῦτα δέ<sup>f</sup> πάντα 767

<sup>d</sup> *Sine uncis* Z Bens. Bl.

<sup>e</sup> τὸπος vulgo et Bekk. Dind. *Illud* Σ Bens. Bl. <sup>f</sup> δὴ Bens. cum Σ.

ly accepted by Dindorf, Benseler and Blass. That the laws ought to reward virtue is a platitude, and at the same time a very doubtful proposition: that they ought 'to confer certain distinctions on the law-abiding' is more definite and less open to dispute.—ἐπιεικὴς nearly = μέτριος, Androt. § 25 n.

§ 216. ζηλώσαντες] 'through striving zealously after;' or as K. 'from an ambition to win.' Cf. Lept. p. 500 § 14 τοῦτ' ἐστὶ τὸ ἐπιεικὴς καὶ φιλότιμον ἀρετήν. ib. p. 504 § 154 τὰς ἐπὶ ταῖς εὐεργεσίαις δωρεὰς ζηλώσαντες. The latter passage, occurring in the peroration of the Leptinea, bears a close resemblance to this and the preceding section.

ἢ κακόν τι πράττειν] Reiske was the first to bracket these words, and has been followed by nearly all editors. Benseler alone justifies the tautology on the ground that κακουργεῖν bears a technical meaning, 'to commit a felony' (such as murder and the more serious cases of robbery, which were capitally punished, Androt. § 26 n.), while κακόν τι πράττειν (= ἐξαμαρτάνειν Androt. § 41) is applied to slighter offences. But out of a mul-

titude of references he has not produced a single instance of κακόν τι πράττειν for ποιεῖν or (more commonly) ἐργάζεσθαι. The parallel passage just noted (Lept. § 154) has κακόν τι ποιεῖν without κακουργεῖν, whence the text has probably been patched.

τόπον] The common reading is τόπους, which no doubt may be explained as=χωρία, fortified places or military posts. Σ alone reads τόπον, 'a commanding position.' There is a close parallel in iv. Phil. p. 135 § 10 τῶν δ' Ἀθηναίων λιμένων... καὶ τοσούτων προσόδων καὶ τόπου καὶ δόξης. That speech is now universally admitted to be a fabrication; but among the genuine works we find i. Phil. p. 48 § 31 τὸν τόπον τῆς χώρας πρὸς ἣν πολεμεῖτε: Fals. Leg. p. 367 § 84=95 τὴν ἀπὸ τοῦ τόπου καὶ τῶν πραγμάτων αὐτῶν ὑπάρχουσαν ἀσφάλειαν τῇ πόλει. Id. p. 413 § 230=255 ὅλον τόπον καὶ πλεῖν ἢ μυρίους ὀπλίτας... ὅπως αἰχμάλωτοι γένοιντο καὶ Φιλίππῳ συμπαρομοκτεῖναι. The usage of Demosth. is thus clearly in favour of Σ.

ταῦτα δέ] In an interrogative sentence this is preferable to ταῦτα δὴ (see various readings).

τί σφάζει καὶ συνέχει; οἱ νόμοι· κατὰ γὰρ τούτους οὔσης τῆς πολιτείας ἔστι ταῦτα<sup>g</sup> χρήσιμα τῷ κοινῷ.  
 217 εἰ δὲ τοῦναντίον γένοιτο τοῖς χρηστοῖς μὲν μὴδ' ὅτι-  
 οὖν πλέον, τοῖς δ' ἀδικοῦσιν ἄδει' ὅσην Τιμοκράτης  
 γέγραφε, πόση ταραχὴ γένοιτ' ἂν εἰκότως; εὖ γὰρ  
 ἴσθ' ὅτι τούτων ὧν διεξήλθον κτημάτων, οὐδ' εἰ δις  
 γένοιθ' ὅσα νῦν ἐστίν, οὐδ' ὅτιοι ἂν ὄφελος εἴη.  
 οὗτος τοίνυν ἐν τούτῳ τῷ νόμῳ φαίνεται κακῶς ἐπι-  
 χειρῶν ὑμᾶς ποιεῖν, δι' οὗ τοῖς ἀδικεῖν ἐπιχειροῦσιν  
 εἰσὶν αἱ τιμωρίαι.

218 Πάντων οὖν εἵνεκα τῶν εἰρημένων ἀξιον ὀργι-  
 σθῆναι καὶ κολάσαι καὶ παράδειγμα ποιῆσαι<sup>h</sup> τοῖς  
 ἄλλοις· ὡς τὸ πρῶτος ἔχειν τοῖς τοιοῦτοις, καὶ κατα-  
 ψηφίζεσθαι μὲν, ὀλίγου δὲ τιμᾶν, ἐθίζειν καὶ προδι-  
 δάσκειν ἔστ' ἀδικεῖν ὑμᾶς ὡς πλείστους.

<sup>g</sup> ἐστὶν τὰ τοιαῦτα Bl.

<sup>h</sup> add. τοῦτον Bekk. Dind. Bl.

§ 217. ἀδεια ὅσην Τιμοκράτης γέγραφε] 'as complete impunity as T. has provided' by his law.

εὖ γὰρ ἴσθ' ὅτι] K. takes ἴστε as imperative, Benseler as indicative. I think the former is right.

ἐν τούτῳ τῷ νόμῳ] These words, unless the text is corrupt, must be explained as by Kennedy and Benseler, 'in that department of law which provides for the punishment of criminals,' 'grade in dem Punkte zu schwächen, wonach es Strafen giebt.' They would naturally refer, however, to the law of Timocrates: and the older scholars have proposed various bold emendations to make them do so: οὐκ εἰσὶν Lambinus, ἀκυροὶ εἰσὶν Jurinus, φροῦδοι εἰσὶν Reiske. The very slight correction of Sauppe, ἐν τούτῳ τῶν

νόμων, justifies the rendering given above, and is in other respects highly probable. N expressed by a line above the preceding vowel has often dropt out: cf. Cobet, *Nov. Lect.* p. 530 f. Another simple remedy is, with Weil, to bracket τῷ νόμῳ.

φαίνεται.....ἐπιχειρῶν] 'it is shewn that the defendant is attempting' K. 'Offenbar unternimmt es dieser Mensch' Benseler. Cf. Androt. § 21 n.

§ 218. *Final appeal to the jury, not merely to convict but to award exemplary punishment.*

παράδειγμα ποιῆσαι] See various readings. It is as easy to supply from the context an accus. after ποιῆσαι as a dative after ὀργισθῆναι: and Benseler may be right in omitting τοῦτον.

ὀλίγου δὲ τιμᾶν] Like δεσμοῦ τιμᾶν § 39 and elsewhere.



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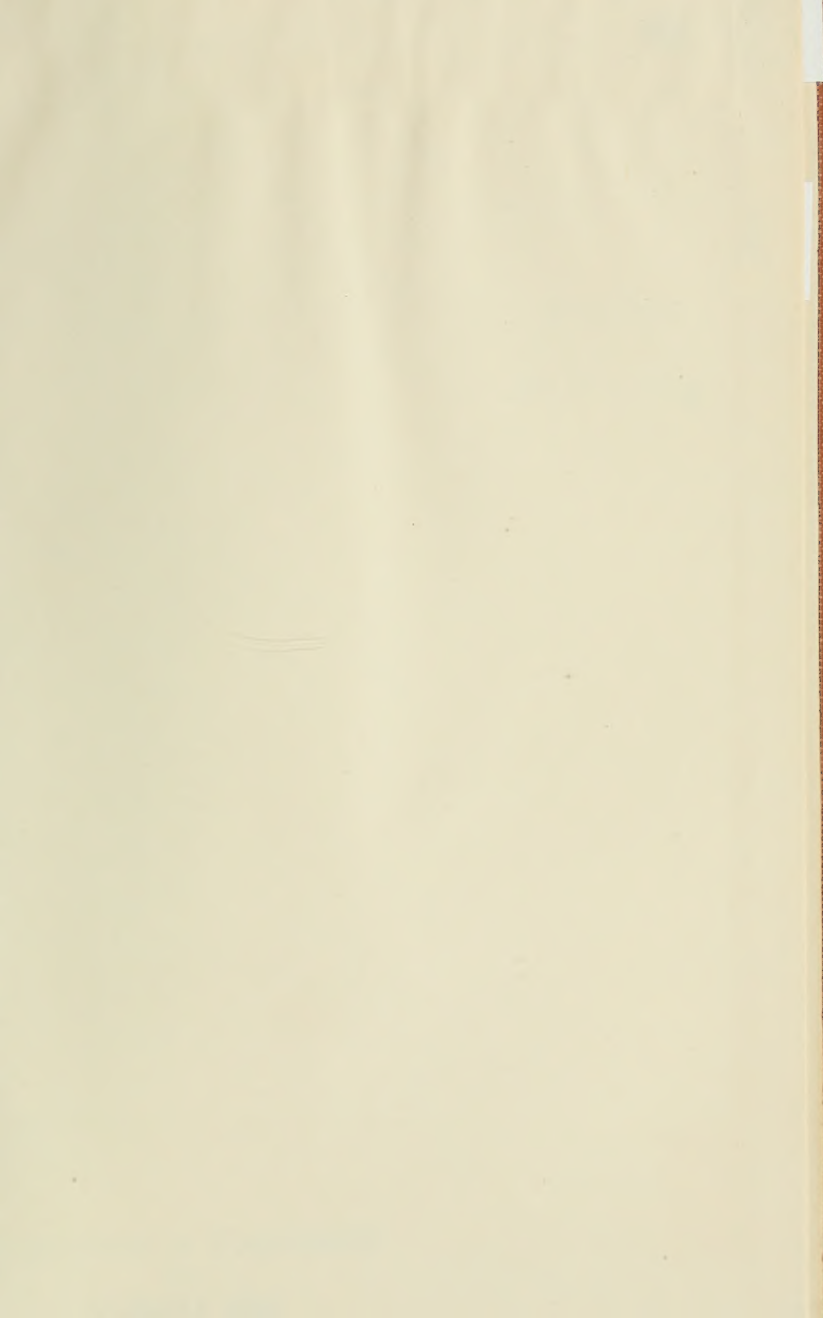
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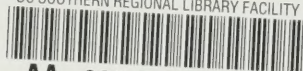
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